

# The Washington Post

## Experts: Cornyn amendment is no poison pill

By: Jennifer Rubin- June 7, 2013

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As I reported yesterday, liberals in the Senate and in outside groups have sought to undermine the potential breakthrough proposal from Sen. John Cornyn (R-Tex.) to strengthen border security and, thereby, gain Republican support for the bill. They have called it a “poison pill.” In fact, immigration experts in favor of reform say it is nothing of the sort.

Sen. Chuck Schumer (D-N.Y.) (Joshua Roberts/Reuters)

Cornyn’s plan, among other things, takes the border triggers and makes them into conditions for a pathway to citizenship:

Requires DHS Secretary and GAO Comptroller General to jointly certify that these triggers are met before Registered Provisional Immigrants (RPI) can adjust to Lawful Permanent Resident (“green card”) status:

100% Situational Awareness – monitoring capability at every segment of Southern border.

Full Operational Control – defined as at least a 90% apprehension rate<sup>1</sup> along Southern border

Biometric Exit System – fully operational and in use at all air and sea ports of entry to which U.S. Customs and Border Protection is currently deployed; retains current law for land ports

Nationwide E-Verify System – must be implemented (identical to S.744)

Mandates that DHS deploy newly defined border security metrics to gauge success or failure.

Requires DHS to issue a Southern Border Security Strategy within 120 days to achieve operational control of every sector of the Southern border, and a 50 percent wait-time reduction at land ports of entry.

Authorizes supplemental and emergency appropriations to improve border security, including \$1 billion per year over 6 years for land port of entry infrastructure improvements and personnel.

Allows DHS to enter into public-private partnerships to reduce port of entry wait times.

Increases the number of Border Patrol and Customs Officers by 10,000 over 5 years.

This is not all that different from the Gang of Eight plan which lists many of these same measures:

The Department of Homeland Security (DHS) must create, fund, and begin a border security plan within six months.

DHS must create, fund, and begin a border fence plan within six months.

DHS must achieve 100% awareness and 90% success in apprehending those trying to cross the Mexican border within 5 years.

If DHS fails to achieve step three, a Border Commission made up of border-state governors and officials is created and charged with implementing a plan to successfully achieve 100% awareness and 90% success in apprehending those trying to cross the border in high-risk sectors of Mexican border.

A universal E-Verify system must be implemented within 10 years.

A visa-exit system must be implemented for all international airports and seaports within 10 years. The Judiciary Committee added a biometric component for 30 largest international airports.

Did the Dems on the Gang of Eight think these were unattainable when they put them in the original Gang of Eight plan? The last three of these were already triggers for the green card system to kick in. The intent of the original bill was to attain the 90/100 percent figures before the green card process would start. However, Cornyn's amendment does strengthen this by, among other things, implementing metrics for measuring success

Moreover, in their haste to condemn Cornyn's efforts Dems tip their hand. As a Senate aide told me, Cornyn's amendment likely won't be the only border security amendment, and it's not clear what it will look like in its final form since they haven't released the actual language yet. But the aide said it's a bad sign if Dems are rejecting it out of hand, since it's clear that several Republicans open to immigration reform will demand changes along the lines of what Cornyn's proposing.

Asa Hutchinson served as a federal prosecutor, a congressman and administrator of the U.S. Drug Enforcement Administration. He was the first under secretary for border and transportation security at the U.S. Department of Homeland Security. I asked him if the tougher border security measures of the type Cornyn introduced are doable. He responded, "Yes, the enumerated border security measures are reasonable and attainable, although expensive." He was candid: "The e-verify system, the additional border patrol agents, the technology and infrastructure improvements along the border are very costly items." (But the "border first" crowd has been advocating spending money on these for years.)

Hutchinson makes an additional point: Cornyn did not overreach by, for example, requiring a land exit system, which is not immediately attainable. He says, "It omits an exit system for our land border entry and exit points. This is a gap but it shows that the Amendment only requires security measures that are attainable in the near future."

Two other experts agree. Brookings scholar Michael O'Hanlon is generally known for his work on national security but his past writings on border security very much line up with the current proposals. "Senator Cornyn's plan is ambitious but not necessarily out of reach and shouldn't be discounted by any means," he says. "Necessarily"? Well, he's a scholar and he stressed he'd rather not oversell.

The Cato Institute's immigration expert Alex Nowrasteh, who has been at the forefront of pro-immigration reform and was a key critic of the flawed Heritage Foundation study, is even more emphatic. He tells me: "Senator Cornyn's amendment is not radical enough to be a poison pill. It is very much in the vein of the rest of the bill." Nowrasteh, like Hutchinson, acknowledges these are costly items (but they were just as expensive in the Gang of Eight plan). "A 90% apprehension rate will not be easy to achieve, but it is possible."

In short, none of these pro-reform experts think Cornyn's proposal is a poison pill. If Democrats want to claim it is they have some explaining to do. Were they not serious when they put in the 90/100 percent standards in the original bill?

Sen. Chuck Schumer (D-N.Y.) and other liberals are starting to sound like a version of the Groucho Marx joke: They don't want to be a member of any group that would devise a passable bill. If they can't take "yes" for an answer, they will have many pro-immigration reform advocates and Hispanic Americans to answer to. Kicking away a deal just as it is coalescing reeks of bad faith.