

Florida Senator Marco Rubio On The Benghazi Hearings And The First Day Of Markup Of Teh Immigratino Bill

Friday, May 10, 2013

GB: Very happy to welcome back to the program Senator Marco Rubio of Florida. Senator, great to talk to you again.

MR: Thanks for having me on again.

GB: Well, we want to talk about immigration first and foremost, but I would be remiss if I didn't get your initial reaction to what we all saw yesterday in the House Oversight Committee...

MR: Unbelievable.

GB: ...regarding the Benghazi hearings. What were your big takeaways from that, Senator?

MR: Unbelievable. Well, look, let's establish the takeaways we know already. Here's the takeaways we know already. We had an outpost in Benghazi, Libya, which was a very dangerous place. The Brits had closed down their outpost there, the Red Cross had walked away from their presence there. That's how dangerous it was. We knew how dangerous it was. Despite that, we kept it open. But we didn't just keep the outpost open. We kept it open with inadequate security measures – not enough people on the ground to defend it, not enough, you know, I mean, basically, that terrorist gang that broke in and attacked it got in very easily, okay? That's what we know for a fact. So that's dereliction of duty number one. Number two is they claim that they didn't have the assets or the people needed in order to come in and rescue these people. You talk to them, they say we didn't have an extraction team, we didn't have anything nearby that could have responded. There is now a debate about whether part of that is true or not. In essence, there are now witnesses saying that they were ready to go in and help at least prevent the second wave of attacks, but they were told to stand down. So either they didn't have the people available, which is a dereliction of duty, or, and an irresponsible thing to do, or they did have the people, but they decided not to send them. The third thing we heard yesterday is that everyone involved, especially the people there, the second-ranking official there on the ground at the time after the ambassador's death, the highest-ranking individual in Libya, knew from the very beginning that this was a terrorist attack. And yet, despite this, the administration allowed someone to go on Sunday shows almost a week later and say that it was caused by a YouTube video. Despite this, the Secretary of State, Hillary Clinton, was telling family members that they were going to prosecute the person who did the YouTube video, because that was the cause of what had happened. And I think this is just outrageous. And I think what's really outrageous is the White House and others saying oh, this was so long ago, let's move on. We're not going to move on, number one, because people have to be held responsible for this, and number two, because we need to learn lessons from this, so this never, ever happens to Americans serving us abroad again.

GB: Amen. No disagreement there, Senator. If I could, I'd like to move onto immigration, just because the markup was starting today in the Senate Judiciary Committee.

MR: Yeah.

GB: ...of the bill that you've been involved with, the Gang of Eight. Earlier this week, one of your fellow Gang of Eight members, Senator Dick Durbin, second in command to Harry Reid, he said that okay, yes, we'll go through an amendment process, but, "the basic agreement will need to remain intact to allow for passage." Do you agree with that?

MR: Well, what I agree with is that we came up with a structure that works well. But within that structure, there are details that need to be and can be improved. And we saw that already today. I think there were 34 amendments considered, and if I'm not mistaken, 22 of them were passed. Almost half of them were Republican ideas, very good ones. They added judges to immigration courts, they ensured that the entire border, not just three sectors, the high risk sectors, but all the sectors had to reach 90% effectiveness and apprehension. They closed a bunch of loopholes in terms of the accountability that the agencies have to have to Congress reports, the agencies are going to have to be coming back for oversight from the Congressional branch. So what I can tell you is that today, the immigration reform bill, as it stands, is better than it was last night. In essence, that's what the amendment process has led us through. Now are there people that have ideas about how to continue to improve it? I'm sure they do, and that's why when we get to the floor, I'm sure we'll hear about that. But here's

the point, and here's what everybody needs to remember. The vast majority of Americans, and conservatives, are saying the following. They are prepared to do immigration reform, but only if we can ensure that there isn't another wave of illegal immigration in the future. Everyone agrees that we've got it right on two of the three points. We have e-verify. It's mandatory. It has to happen, or no one gets a green card in the future. People are happy with that. We have an entry/exit tracking system, so that it makes it harder for people to overstay their visas. That's 40% of the problem right there.

GB: Senator...

MR: People are happy with that. The last point people want to do is that they want to make sure that whatever plan the Department of Homeland Security comes up with for the border is a good plan, a plan that will work. And what we're working on now is what can we put in this law to make sure that what they do with the \$5.5 billion dollars that we give them works. And that's what we're working on together. Hopefully, we can create a consensus around it, because if we do, we're going to have immigration reform. And if we don't, it's going to be very hard to get it.

GB: All right, Senator, you mentioned the entry/exit visa checking at the various seaports and airports. And of course, on paper, and as you describe it, sounds good, great, let's keep track of people who are coming in and out of the country, particularly in light of Boston and some of the people involved there. But I think you would hear some conservatives object, saying frankly, Senator, something very similar to this was passed 17 years ago, and hasn't been properly enforced. So I think there's an enforcement gap at least in terms of credibility in a lot of people's minds that you guys can pass a law, but if the executive branch won't enforce the law, then it's not really worth the paper it's written on. How do you overcome that?

MR: Well, here's the difference between now, and that's a very valid concern. But here's the difference between now and then. If they don't do it now, the people that were illegal don't ever get a green card. I mean, it's a real trigger. It's not a theoretical trigger. It's very straightforward. If they do not put in place an entry/exit system at all the airports and seaports in the United States, then the people that are illegally here will never be able to apply for the green card. It is a real trigger. It is a mandatory trigger. It's a trigger that must be met. So that's the difference, and it'll be up to them. If the administration really wants these people that are going to be legalized to one day have the chance to apply for a green card, then they're going to have to put this thing in place. So we think that's the incentive. That's the whole trigger point.

GB: You mentioned preventing a future wave of illegal immigration.

MR: Yes.

GB: So we'll perhaps have to deal with this again in 20 or 30 years, which everyone agrees would be a problem. I guess my question is in regards to that, let's say you guys get your way, the whole thing passes, and the law is put on the books and implemented. Once that becomes the case, once the one year window has closed, and everyone who is going to come out of the shadows to stand up and be counted, and apply for provisional status has done so, from that point forward, would it then be the mandatory law of the land that any illegal immigrant that is found in this country for any reason is immediately deported?

MR: Well, first of all, we have due process in the country, so the law as it is now, you don't immediately deport. You have due process rights to prove that, whatever. But the point is they are deportable. In essence, yes. But here's the other point to it, that which doesn't exist now. Not only are you deportable, you're going to struggle to find a job because of e-verify, and it's mandatory, once e-verify kicks in, and it'll be fully implemented within 48 months across the board, including agriculture, once e-verify fully kicks in, then you won't even be able to find a job. That's why people are coming and staying, because they can work. You can just pretend you're somebody else. You get someone's Social Security number, you show up somewhere, you say this is me, they hire you, and you're working. You won't be able to do that anymore, because the new e-verify is going to have a picture which is going to be matched up to you. And when you show up, if it's not your picture on that screen, and that employer hires you, they're going to face penalties that we are doubling and tripling, and in some cases, even providing for potential jail time for people that are deliberately violating that law.

GB: Okay, and Senator, another question that I had has to do with something that you sort of touched on briefly, which is you, when we spoke previously on my show about this, I asked you about how can the government tell who these people really are if they've been living in the shadows, and if they're here illegally, how can we determine when they actually got here, because there's a cut-off date, December 31st.

MR: Yeah.

GB: ...2011. You said, well, it's because the burden will be on them to prove that they've been here using some of their paper trail. 30 seconds, Senator, I guess is there a fixed standard for how many pieces of, whether it be bill or other pieces of proof, is there a fixed standard for that?

MR: Well, it's a preponderance of evidence, which basically means you have to prove it yourself that you're here. Obviously, any kind of standard like that is difficult.

GB: Senator, we're up on a break. If you have hang with me just for one more segment, Marco Rubio joining me on the Hugh Hewitt Show.

GB: Senator, we got cut off a little bit in the previous segment.

MR: Yeah.

GB: And I wanted to let you finish that point about the burden of proof being on the illegal immigrant to prove that they've been here since that cut-off date, and you said it's a preponderance of evidence. Who makes those decisions?

MR: Right, well, the officer that's handling the case along with the people that are involved in the ultimate, you know, it's an agency, an administrative decision, obviously, that can't be made at a Congressional level. But the point is you have to document that you have been here for that period of time. You have to offer evidence of it. And that's not a new standard. I mean, that's one that we're applying, for example, right now. The President has deferred action people that are under a certain age, you know, the DREAM Act kids, he's given them deferred action. Many of them are having to go through the hurdle right now of proving it, that they've been here for a significant period of time. So clearly, those are some of the things that we have to keep an eye on in terms of how this is implemented. Now if you truly, understand, over 70% of the people that are here illegally now have been here longer than 10 years, over 70%. So it's not going to be that difficult for them, because there's going to be a clear paper trail. I think there might be some others that might be in the in between. And you raise a good point about what do we do with those cases where maybe they only have one piece of evidence that they've been here, but not three. You know, what do you do with cases like that?

GB: Right, because you could doctor it right up, can't you? I mean, there would be a huge explosion on the black market to doctor various bills or what have you, especially if you just need one.

MR: Yeah, but I think that's true for anything that makes you certify that you're here versus not. And so one of the things that you do, and one of the pushes that we have now is for biometric information that has to be matched up. So one of the things that people are talking about now is what kind of biometric information do you have to deliver to the government when you come forward? Is it the fingerprinting aspect? People ask about that. Well, that's why, because you want to be able to definitively identify the individual and match it up against your criminal database, for example, etc. So I mean, that's the reasons why those measures are in there. But those are the kinds of things that I think the amendments that are, part of the bill is going to be amended next week, and those are the kinds of things that I think you're going to be seeing, you're going to see considered in terms of improving the bill. And that is my point in all of this. What you are raising now are exactly the kinds of points that people are raising in the real world. How is this going to work in practice, and what can we do through the amendment process to address those issues now? And that's why having this kind of open amendment process where people are offering ideas has been so positive, because it's forcing us to deal with these sorts of details.

GB: We saw in the last couple of weeks one of the chief authors of Obamacare, Senator Max Baucus, refer to the implementation process as a train wreck. They will have, by next year, about a four year lead time to roll out their big Obamacare disastrous program, and they're very worried that it's not going to work properly. I'm wondering when it comes to immigration, again, if this thing passes as is or amended or what have you, will there be the manpower and the competence to get this thing rolling in the span of one year? I mean, it's very high stakes. And you can't really screw it up right at the very beginning, because then the whole thing snowballs and falls apart. How can you assure the American people that the federal government is ready to take on this massive task?

MR: Well, yeah, a couple of things. First of all, I think I've heard some of these comparisons made by some that this is just like Obamacare. Obamacare was the creation of a new entitlement program that basically every single American can access. What we're dealing with here on immigration is something that's already happening. We already have an immigration system. The problem is that what we have is broken, same with the people that are

here illegally. They're already here. We are not talking about 11 million people that are living in another country who are now going to import into the United States. These are 11 million people that are already here now. 40% of them, we know a lot about, because they came into the country and they overstayed their visas. We just don't know about them right now. We don't know where they are living, we don't know what, we don't even know that they've overstayed, because we're not tracking that point of it. The other 60% are people have illegally entered the country. For many of them, we know nothing about them. But they are already here. The second point that I would say is that unlike Obamacare, that which is basically funded through taxes and the reallocation of existing money out of a program like Medicare, this program pays for itself. We are assessing fees and fines in order to pay for this program. In fact, there was an amendment passed today that specifically says every measure here must be self-sustaining. We cannot burden the American taxpayer in order to pay for these sorts of things that are in the bill. Third, you know, the things that are happening in this bill are things that are improvements on actual policies that we already have in place. For example, we already have border security. We're improving border security. We already have a visa program for whatever, investors or what have you. We're just improving that program. And as far as certifying the people that are coming forward, those people are already here. These are not new people that are coming into the country. This is actually a positive thing. They're going to have to come forward and be identified and undergo background checks for both criminal liabilities, and also for national security risks. They're going to be fingerprinted, they're going to have to know English. They're going to have to start paying taxes. They're going to have to do all these sorts of things.

GB: Right, let me just...

MR: We don't do any of that right now.

GB: If I can just make myself clear, I was not comparing the substance of Obamacare and immigration.

MR: Right.

GB: I was simply...

MR: No, no. I know. You were talking about...

GB: ...saying it's the magnitude...

MR: ...just the complexity of it.

GB: Right, the magnitude of implementing something. Senator, ten seconds, how many amendments do you plan to offer next week?

MR: Well, I'm not on the Judiciary Committee, but I've been working with all my colleagues. As I said, 300 amendments have been filed, most of them are very, very good nature that are designed to improve the bill. I'm waiting for the floor to see what changes need to be made there in order to get this thing ready for passage.

GB: Very good, Senator Marco Rubio, thanks for you time.

End of interview.