June 19, 2013

The Honorable Dianne Feinstein  
331 Hart Senate Office Building  
United States Senate  
Washington DC 20510

The Honorable Chris Coons  
127A Russell Senate Office Building  
United States Senate  
Washington DC 20510

Dear Senators Feinstein and Coons:

I am writing on behalf of the American Bar Association to express our support for your amendment to S. 744, the Border Security, Economic Opportunity, and Immigration Modernization Act, that would authorize funds from the bill's Comprehensive Immigration Trust Fund to be used by the federal judiciary to support the costs to implement the provisions of the Act. The amount of funding that the judiciary would receive would be determined by the Judicial Conference, the Secretary of Homeland Security, and the Attorney General. S. 744, as reported by the Senate Judiciary Committee, fails to provide the judiciary with sufficient resources to enable it to meet its new obligations under the legislation. Adoption of your amendment will rectify this oversight.

While it is impossible to quantify the increase in judicial workload that will result if this legislation is enacted, it clearly will be significant. For example, the legislation boosts funding for enhanced enforcement, which, in turn, will result in more enforcement actions needing to be adjudicated in federal district courts. Workload also will increase substantially because the bill permits judicial review in connection with a variety of provisions in the bill including the path to citizenship, the agricultural worker program, the DREAM Act, and E-Verify. The ABA believes that judicial review is essential to the effective implementation of immigration reform and strongly supports these provisions as a safeguard to ensure the law is being applied properly.

Many federal courts already are struggling to deliver timely justice because of increasing caseloads and decreasing resources resulting from funding cutbacks mandated by sequestration. In the district courts in southwest border states -- those likely to feel the greatest impact from this legislation -- the resource situation has already reached crisis proportion. We appreciate that the bill under consideration takes steps to ameliorate the dire conditions in these courts by authorizing a limited number of additional district court judgeships.
More resources, however, will be needed in these courts and others around the country if S. 744 is enacted. Your amendment will enable the federal judiciary to obtain the resources needed to meet its expanded obligations under the Act. We thank you for sponsoring the amendment and urge the Senate to incorporate it into S. 744 before final floor action on the bill.

Sincerely,

Thomas M. Susman

Cc:  Hon. Patrick Leahy, Chair
      Senate Judiciary Committee

      Hon. Charles Grassley
      Senate Judiciary Committee