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SHOULD WE EMBRACE THE SENATE'S GRANT OF AMNESTY TO MILLIONS OF ILLEGAL ALIENS AND REPEAT THE MISTAKES OF THE IMMIGRATION REFORM AND CONTROL ACT OF 1986?

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

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SHOULD WE EMBRACE THE SENATE'S GRANT OF AMNESTY TO MILLIONS OF ILLEGAL ALIENS AND REPEAT THE MISTAKES OF THE IMMIGRATION REFORM AND CONTROL ACT OF 1986?

TUESDAY, JULY 18, 2006

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON IMMIGRATION,
BORDER SECURITY, AND CLAIMS,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:02 a.m., in Room 2141, Rayburn House Office Building, the Honorable John Hostettler (Chairman of the Subcommittee) presiding.

Mr. HOSTETTLER. The Subcommittee will come to order. Good morning.

Today, there are approximately 11 million illegal aliens in the United States, making illegal immigration one of the most serious issues facing our nation. In May, the Senate passed legislation that would provide amnesty for most of the illegal aliens currently in the U.S. in a way that is eerily similar to the amnesty Congress granted in 1986.

At this hearing, we have the opportunity to examine how the United States dealt with illegal immigration 20 years ago, why that approach did not work, and the direction we should take in light of our past failure. In 1986, there were approximately 3 million illegal aliens in the U.S. Congress responded by passing the Immigration Reform and Control Act, or IRCA.

There are several key features to IRCA. First, it provided amnesty to 2.7 million illegal aliens in several different categories. Aliens who had been illegally present since 1982 were granted a general amnesty, while agricultural workers who arrived more recently were granted amnesty under the special agriculture worker program.

The amnesty was accompanied by a plan designed to stop employment of illegal aliens in the U.S. IRCA created an employer-sanctions scheme for employers who knowingly hired illegal aliens and required employers to check the identity and work eligibility documents of all employees to ensure lawful immigration status. At the time, policymakers truly believed that it would be a one-time amnesty and the problem of illegal immigration would be solved.

Congress rejected recommendations made by the Select Commission on Immigration and Refugee Policy in 1981, which stated in

part, "The Commission believes that a legalization program is a necessary part of enforcement, but it does not believe that the U.S. should begin the process of legalization until new enforcement measures have been instituted to make it clear that the U.S. is determined to curtail new flows of undocumented illegal aliens. Without more effective enforcement than the U.S. has had in the past, legalization could serve as a stimulus to further illegal entry. The select commission is opposed to any program that could precipitate such movement."

Then-Senator Alan Simpson, coauthor of IRCA, affirmed his commitment to amnesty in exchange by stating, "I firmly believe that a one-time-only legalization program is not only good public policy, it is good sense, and it is fully in the best interest of this country."

Time showed us that IRCA has utterly and completely failed, mainly due to the fact that Congress did not heed the warning of the select commission regarding the need for real enforcement prior to any discussion of such legislation. Illegal immigration has not been controlled, but has increased significantly in the past 2 decades. Employer sanctions have been enforced in a farcical manner. Furthermore, the I-9 system has proven to be a failure because an illegal alien can cheaply and easily obtain counterfeit documents to show his or her employer.

Employers in a catch-22 situation cannot require additional proof that the documents presented are legitimate for fear of running afoul of discrimination laws. In May, the Senate passed the Reid-Kennedy amnesty, which is remarkably similar to the 1986 amnesty. The Reid-Kennedy bill also provides several categories of amnesty, including a general amnesty for anyone who can show that he has been in the country for more than 5 years, including an agriculture amnesty.

Again, proponents of the current proposals believe that this amnesty will solve the problem once and for all, but Congress and the Administration have no credibility with the American people. Why should Americans have any reason to believe that the supposed enhanced enforcement provisions in Reid-Kennedy will be effectively enforced by the Administration, any more than successive Administrations have enforced IRCA?

The Administration will probably implement amnesty for millions of illegal aliens quite quickly. Enforcement will likely lag behind, if it occurs at all. We will find ourselves in exactly the same place we found ourselves 20 years ago. Amnesty sends out a message that the United States is not serious about enforcing our laws. It is an affront to the millions of immigrants legally who wait their turn and use the legal immigration system.

When the United States grants amnesty and forgives lawbreaking, it encourages more illegal immigration in the future. The grant of amnesty in 1986 did nothing to resolve the illegal immigration problem. It made the problem worse as increased numbers of illegal aliens pour across the border waiting for their turn.

Well, Reid-Kennedy is their turn and a new wave of illegal aliens will come to wait for theirs. I believe that Benjamin Franklin once said that, "The definition of insanity is doing the same thing over and over again expecting different results." We cannot expect to solve the problem of illegal aliens by encouraging lawbreaking

through amnesty. It didn't work in 1986 and it will certainly not work in 2006.

At this time, I would like to recognize the gentlelady from Texas, Ms. Jackson Lee, for purposes of an opening statement.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman.

As always, we thank the witnesses for their presence here. I thank my colleagues, Members of this Subcommittee.

Mr. Chairman, I always wonder about the timing in this House, and there is a concept called regular order. That concept ensures that thorough hearings are given to a topic prior to legislative initiatives being put forward. I think both the House and Senate attempted to do their job, and interestingly enough there is an immigration initiative legislation passed out of the House and there is one passed out of the Senate. In fact, it has been known, the Senate bill, as the Bush-McCain bill. Working of course collaboratively with Senator Kennedy and Senator Reid, it is the concept that the president has adopted.

It is interesting to note, as the Chairman speaks eloquently about legislative history that includes the 1986 bill, I remind him again that President Ronald Reagan worked obviously very hard as a Republican to fix what was perceived as a broken system.

I might add that they put their best effort forward, but of course subsequent to Ronald Reagan's tenure was President Bush. And so Republicans had a chance to enforce both legal immigration and procedures that would assist in making sure that we had the proper enforcement.

I think what Americans are asking for now is not a recap, not a recounting, but they are really asking for us to fix the broken immigration system, the broken benefits system, the broken legal immigration system where members of our community are crying out to allow them to process themselves to a legal system that works, fingerprints that are not lost, paperwork that is not lost. And yes, Mr. Chairman, they are looking forward to a system that includes comprehensive immigration reform.

Might I, for a moment, Mr. Chairman, just say that I thank you for discussions that I hope that we will have if we continue to have these hearings that would ensure that there is a balance between Democrats and Republicans with witnesses. That is fairness. That means that we truly are achieving our goals of getting the facts.

What I would most hope is that expeditiously we achieve the opportunity of a conference committee to work on the existing bills, unless, Mr. Chairman, you tell me that we are about to reopen the legislative process. I know that many of the witnesses here, Congressman Reyes, might like to open the legislative process.

He had a number of issues and amendments that I joined him on, particularly providing support for our very worthy border patrol agents that we did not and were not able to include in the bill. It would be great if we were told by the leadership that that would occur, but as we speak that is not the case.

So let me just simply say that the question of this hearing uses the word "amnesty," which has been infused with negative connotations by the opponents of the Senate's bill, the Comprehensive Immigration Reform Act of 2006, S. 2611. The Senate bill in fact would not grant amnesty.

Amnesty is defined by the American Heritage dictionary as a "general pardon granted by a government especially for political offenses." It was derived from the Latin word "amnesti," which means "amnesia." We have no amnesia in the Senate bill.

The Senate bill does not have any provisions that would forget or overlook immigration law violations. If I could, I would clap in this room today because I would say, as some of the kids say, "yay" or maybe even "awesome," because we understand the responsibility that we have pursuant to the American peoples' dictates.

The Senate bill clearly asks those to get in line, to be able to be documented, whether or not they can meet the criteria of having a number of indicia to make sure that they can meet the standards of status or citizenship, keep their records clean, employed for 6 years, to establish eligibility for permanent resident status and pay a substantial fine.

Those dollars, $24 billion, can be used to invest in America. The essence of the question, however, is found in the phrase "repeat the mistakes." This refers primarily to a grant of amnesty. The opponents of S. 2611 appear to believe that anything but an enforcement-only approach is a mistake.

They have failed repeatedly, however, to implement enforcement measures. I have already chronicled for you that when this bill was passed we had two Republican presidents back to back. It is well noted that during the Clinton administration, our enforcement capability went up, but we have to understand compassion and reason.

I hope that over the next couple of weeks, we will be able to have on the floor of the House, Mr. Berman and Ms. Lofgren, stories of immigrants who have helped build this nation. I think we have failed to acknowledge the stories of the origins of this nation.

Maybe, Mr. Chairman, you will accept my invitation to have a hearing to be able to, if we are going to continue with these mock hearings, to have a hearing that will tell the viable stories of immigrants who have contributed to America. I know that you can count that as a viable part of this question.

S. 2611 has a three-pronged strategy to fix our broken immigration system that would avoid the mistakes of IRCA. It would establish a fair legalization program, but it would have a comprehensive border security program that includes the northern and southern border. It is the Bush-McCain effort. It is the Kennedy-Reid effort. It is a collaborative effort. It is what America wants. It would provide additional visas for future immigrants, which would address the primary cause of illegal immigration.

Let me conclude, Mr. Chairman, by simply saying that we all are intent on doing our duty. You have called these hearings and I am present and accounted for as my colleagues are. But I would offer to say that we have a lot of work. Though this is not particularly the call of this particular hearing, I would just simply say I beg the president of the United States to rescue the 25,000 Americans that are in Lebanon that are now stranded and are asking for relief, and days and days have passed and we can't seem to get them out of Lebanon. That is the work that we should be doing. But if we are doing this work, let us do it fairly.

With that, I would like to submit into the record, I ask unanimous consent, Mr. Chairman, a statement of Senator Edward M. Kennedy, who was here in 1986 and has been working without stopping in a collaborative way to bring America comprehensive immigration reform. I ask unanimous consent.

Mr. HOSTETTLER. Without objection, we welcome the addition of Senator Kennedy to the record.

[The prepared statement of Senator Kennedy follows in the Appendix]

Ms. JACKSON LEE. Thank you. I ask unanimous consent for a letter from a number of issue groups on immigration. I ask unanimous consent to submit their letter into the record.

Mr. HOSTETTLER. Without objection.

[The letter follows in the Appendix]

Ms. JACKSON LEE. I thank the Chairman. I look forward to a productive time of bringing forth to America what they have asked us for.

I yield back.

[The prepared statement of Ms. Jackson Lee follows in the Appendix]

Mr. HOSTETTLER. I thank the gentlelady.

The chair now recognizes the gentleman from Iowa for purposes of an opening statement.

Mr. KING. Thank you, Mr. Chairman. I very much appreciate this hearing, and I associate myself with your opening remarks.

But it doesn't matter to me, in response to the Ranking Member's remarks, whether we call the bill Reid-Kennedy, Bush-McCain or Martinez-Hagel, it is a bad bill. America knows it is a bad bill. They are going to find out a lot more about what is in this bill as these hearings unfold across America. It is important that we help educate America on those pieces that were in there.

I can't find a single senator that will stand up and say, "I understood everything that I was voting for or against;" the pages were too many; the components were too detailed and too vague. It is unfolding yet today what is in that bill. We need to shine the light on that for the American people.

My central point is this, that we passed amnesty in 1986 and no one argued whether there was amnesty or not in 1986 because President Reagan declared it to be amnesty in 1986 and then this is the same policy. Whether you define it as something else, it is pretty difficult to change the definition that the American people understand to be amnesty.

Whether it is a general pardon granted by the government generally for political purposes, this is for political purposes, the proposed amnesty, and it is a general pardon, and if you reduce or eliminate the penalties that are in existing law and grant a whole class of people a general pardon, that is an amnesty even by the gentlelady from Texas's written definition that she presented here.

So I would point out also that we were told in 1986 that the Administration would enforce the law. I accepted I-9 documents from prospective employees and those that I hired. I put them on file. I checked their identification. I lived with concern that the Federal Government would come into my office and check my records and see if I was complying. They never showed up, and they didn't

show up in millions of businesses across America because enforcement diminished from 1986 until 2006.

I will agree with the statement that the gentlelady from Texas made that there was more enforcement under the previous Administration than there is under this one. In fact, if you are an employer and you are concerned about sanctions for knowingly and willfully hiring illegals, you were 19 times more likely to be sanctioned by the previous Administration in the first 5 years than you were in the first 5 years of this Administration. That is just simply a fact.

And so we have bought that bridge before. I propose we not buy that bridge again.

I would yield to the Chairman for any time that he might want to consume.

Mr. HOSTETTLER. I thank the gentleman for yielding.

In response to my colleague, the gentlelady from Texas, a discussion about the timing of these hearings, I would just like the record to reflect that in a discussion about the timing of such legislation that should be considered by the House of Representatives, I was asked for my opinion. It was my suggestion to leadership for the House to consider legislation after the Senate had passed a bill.

When asked why I would suggest such a thing, it was very clear to me the path that the Senate was going to take, and that I believed that Members of the House of Representatives would be much more focused on their attention to what type of legislation should not be passed out of the House of Representatives after the Senate considered their bill.

It is now the feeling of many Members of the House of Representatives that we should reconsider the issue of illegal immigration and immigration reform. That is why we are holding these hearings, especially as it relates to a significant portion of the Senate bill which was not included in the House bill, and that is the granting of amnesty to millions of illegal aliens.

Ms. JACKSON LEE. Mr. Chairman, would you yield, just for an inquiry?

Mr. HOSTETTLER. The gentleman's time is the gentleman from Iowa. I yield back to the gentleman from Iowa.

Mr. KING. And I would yield back to the Chairman.

Mr. HOSTETTLER. The chair now recognizes the gentleman from California for purposes of an opening statement.

Mr. BERMAN. Thank you, Mr. Chairman.

I don't buy the notion that this is a serious effort to come to grips with the fundamental issues in the Senate bill. I am convinced by virtue of what has happened here, both in treating the House-passed bill, what it went through, and in the way people are titling and talking about the hearings in the Senate on the Senate bill, that this is simply a well-orchestrated effort to have this Congress recess before the election without having dealt with one of the country's most serious national crises.

Anyone who has taken a civics course knows that hearings are held before bills are passed, and they are used to gather information that might assist in drafting the bill. When the two Houses of Congress have passed a bill, the bill goes to conference, not to hear-

ings, to see if we can work out the differences and move forward. We are moving backwards in this process.

Remember, Mr. Chairman, last December the House passed an enforcement-only immigration bill. That is the one that made felons of 11 million people in this country. That bill was introduced on a Tuesday and without a single hearing in the Judiciary Committee, no chance to put light on those provisions, it was marked up, moved to the floor, and passed the following Friday.

No hearings, no input from the minority party in drafting the bill, no real deliberative process, with the Rules Committee shutting out every amendment that dealt with any of the obviously related immigration issues raised by the bill that was then before us. And, of course, we passed a bill that as generally acknowledged provides no solution to America's need for meaningful immigration reform.

That is why we are here today. No one should confuse these hearings with an attempt to correct the lack of deliberation of the House the first time around. These hearings are a con-job on the American people. The Republican majority in the House is trying to convince the American public that they want very badly to enact immigration reform and they just need to study it a little bit more in these hearings before they can get the job done. Even though Republicans hold the White House and a majority in both the House of Representatives and the Senate, they can't sit down and put together a real immigration reform package that will produce meaningful long-term results.

This process is becoming a total failure. These hearings are about one thing: running out the clock. We are going to talk about this for 5 or 6 weeks, not convene a conference committee, not do anything in the context of working out differences, and then the Congress will end up going home without having passed immigration reform.

And then to top it all off, I get communications and messages that come out from the House Republican leadership about this legislation, and from some of the witnesses that have been called today, making it sound like something reminiscent of the communist party days when all propaganda, when all messages were sent to convey propaganda.

A bill in the Senate, introduced by John McCain and Ted Kennedy, goes to the Senate Judiciary Committee chaired by Arlen Specter, and through a process of changes and compromises Senator Specter passes out the bill. And then Senators Hagel and Martinez, two distinguished Republicans, put together a compromise, and then that piece of legislation passes the Senate with 20 Republican votes in favor of that piece of legislation.

The Chairman, the Republican leadership of the House, the witnesses, decided to name it the Reid-Kennedy bill, see how many times they can use the word "amnesty" in one sentence, and then try to create an image of a bill that doesn't exist. We know why the 1986 bill failed. It failed because the business community went to the Congress and said, "Whatever you do, don't put the onus of determining validity of documents on our back."

And the executive branch went along with that and the Congress went along with that. The fact is, the 1986 bill had a very funda-

mental flaw. The employer sanctions were worthless. One part of a comprehensive approach that will actually I think go a long way to solve that problem is to have a meaningful mandatory employer verification system in place so that both new employees and existing employees can be determined whether or not they have work status.

Without some process that deals with the legalization of the millions and millions of people in this country now working, and working under false identifiers, working in many cases in outrageously inhumane conditions, unless some process exists for them to come forward, that kind of a system will never work. All parts of this have to be done. The prescription is so clear. Instead, we get the propaganda releases from the Republican leadership here, which convince me they don't want to move legislation this year.

Mr. HOSTETTLER. The chair now recognizes the gentleman from Arizona for purposes of an opening statement.

Mr. FLAKE. I thank the Chair.

I rarely make opening statements in a hearing because I would rather hear those who are here to testify. I feel it is necessary for at least one Republican to say that the way the 1986 bill is being described is not very accurate, frankly, in relationship to what we are trying to do today. The failure in 1986 was because it wasn't comprehensive. That is a failure that we cannot afford to replicate.

In 1986, we gave an amnesty to those who were here illegally. We said, if you have been here 5 years, you have a shortcut to a green card. That is about all we did. We didn't secure the borders. We didn't have an employment verification system. Most importantly, we did not allow a legal framework for additional workers to come. So it was a farce. In the end, it was out of date before it was signed into law. We can't afford to do that today.

I would submit that if we only do one portion, and all we are talking about is the House bill, is more border security. That is one element, and a very important element, but it is only one. And we will do the same thing that we did in 1986 if we fail to do it comprehensively.

Yes, we need more border security. Yes, we need interior enforcement. But we also need to deal with those who are here illegally and we need to ensure that we have a legal framework for additional workers to come and return home. If we fail to do that, we will repeat the mistakes of 1986.

So I resent the implication that in 1986 we tried comprehensive reform and it failed. It failed because it wasn't comprehensive reform. I think one Republican at least needs to stand and say that.

With regard to what is going on now, I associate my comments with those of Congressman Berman, who is saying that the proper order here is to have hearings, then have a markup, have a bill, and then have a conference committee. That is what we ought to be doing. The Senate bill, I like parts of it; I don't like parts of it. I voted for the House bill because it included many elements that we need.

So we ought to meld the two and get to the work of actually producing a compromise bill that contains all the elements that we need. It won't be everything I want. It won't be everything anybody

wants, but at least we will move forward with a comprehensive approach. That is what we ought to be doing.

Instead, we are holding what we are calling field hearings across the country. They ought to be called faux hearings because they simply are in the wrong order. We aren't really looking to gather information so much as trying to beat up on the Senate bill. I am sorry for saying it like that, but I don't know how else to say it.

So I look forward to the testimony today, but just let me make it clear that I don't believe that the reason we are beating up on the 1986—I thought it was bad. We shouldn't have done it that way, but we can't repeat it, and that is what we are at risk of doing if we continue down this road.

So I thank the Chairman for convening this hearing, and I hope it is productive.

I yield back.

Mr. HOSTETTLER. I thank the gentleman.

The chair now recognizes the gentlelady from California for purposes of an opening statement. Ms. Lofgren?

Ms. LOFGREN. Thank you, Mr. Chairman.

I appreciate my colleague, Mr. Flake's, honest commentary on this process. I attended a faux hearing in San Diego. It is pretty apparent, I think, to any honest observer what is going on here is a highly politicized process. It really has almost nothing to do with the serious work of dealing with immigration issues.

I think, and I certainly don't include Mr. Flake, because he has spoken openly about this, but I think it is pretty clear that the Republican leadership thinks that if they talk a lot about this that they can somehow convince the country that they are doing something. But I actually think that is a misplaced strategy because I think the country knows that the Republican Party is in charge of everything. They have the White House. They have the Senate. They have the House. And they have not produced.

In fact, H.R. 4437 isn't really a solution either. If you take a look at what we haven't done, and I think the public will be aware of this, we have not actually hired, we have not produced the funding to hire the border agents that we said we would do. The president's 2006 budget calls for only an additional 210 border patrol agents.

The 9/11 Act which mandated an additional 800 immigration enforcement agents over the next 5 years has not been met. We have only funded 350 of that mandatory amount. The 9/11 Act also mandated an additional 8,000 detention beds, but for fiscal year 2006, we only funded 1,800.

So enforcement, and we have talked about enforcement, from 1999 to 2003, worksite enforcement operations were scaled by 95 percent. The number of employers prosecuted for unlawfully employing immigrants dropped from 182 in 1999 when Clinton was president, to four in 2003. The fines collected declined from $3.6 million to a little over $200,000. In 1999 when Clinton was president, the United States initiated fines against 417 companies. Do you know what it was in 2004? Three companies.

So on the watch of the Republicans, there has been failure. I don't think the solution in the bill to make 11 million people felons is a serious one either. When you think about what it costs, it costs about $50,000 a year to incarcerate a person in Federal prison.

When you add the costs of prosecution, defense, courtroom costs and the like, we are talking about one-third of a trillion dollars to actually take that felony provision seriously in the bill.

So I don't believe that a Congress that refused to hire border patrol agents is actually going to appropriate one-third of a trillion dollars to implement the felony provisions of that act, and if they don't mean to implement it, what are they doing other than just talking once again?

I would also like to point out, and it's not that comfortable to criticize one's colleagues personally, but we have had efforts over and over again, the Democrats have, to increase funding for the border. The Republicans, including all the Republicans here, have voted against those amendments over and over again.

So I believe that we are talking a lot once again. We are going to talk all over the country once again, but I think it is all talk and no action. Talk is cheap, but I think that the American public is going to see through this sham and I think it is a real disservice to the country, frankly, that we are engaging in this kind of behavior.

I yield back.

Mr. HOSTETTLER. The chair recognizes the gentleman from Texas, Mr. Gohmert, for purposes of an opening statement.

Mr. GOHMERT. Thank you, Mr. Chairman.

I, for one, am glad you are having the hearings and I appreciate the opportunity. I would apologize to the witnesses here that have gone to a great deal of trouble to come here and to testify, as a colleague has referred to these as "mock" hearings. I doubt that your testimony is going to be mock. You will take an oath and we would expect you to testify not mock, but from your own personal experience and knowledge, truthfully to the best of your abilities, so help you God.

Now, and also I had heard that we would like to have a hearing in which we can hear real stories about real immigrants. I will give you one. My great-grandfather came over around the 1870's. He got here with less than $20 and didn't speak a word of English. But he did two things: He worked his tail off and he learned English. As a result, by 1895, he built the house that has a national and State of Texas historical marker on it because he did so well. That is America.

You can come. You can do it legally. You can work your tail off. You learn English, and you can do amazing things, and one day maybe even your great-grandson that is a bald-headed goose-looking guy, could end up in Congress. You just never know what could happen.

We need immigration. We need border security. This is a tough time. It does not do us any good to turn a blind eye to the borders and to our avenues of entry. So again, I appreciate having the hearings because we have an impasse right now between the Senate and the House. I am constantly asked back home why is there such a wide discrepancy between the House version and the Senate version? I tell them it's easy: We have 2-year terms and they have 6-year terms. We have to listen to the people and find out what the problems are. They have a lot of time not to have to do that, and get serious when it gets toward their elections.

So that is why the House is more responsive. That was the design of the Constitution. So I think these hearings, once you reach an impasse between the House and the Senate, the hearings become important to back up and gather enough evidence to help persuade either the House or the Senate that one is off track. I don't mind a bit saying it is the McCain-Kennedy bill. It is the McCain-Kennedy bill. I am not embarrassed to say that because I don't like it and I don't care what the name is.

As far as the cry that we need to be not having this hearing, but rescuing those in Lebanon, I would say we need to be rescuing people in the Middle East. We need to be sending those who would attempt to disrupt the Middle East, like Hezbollah, we need to send them back to the Stone Age.

But unfortunately, this country has so many problems, is so diverse, we cannot just focus on one little area like the Middle East when we have problems on our own borders. So I think it is incumbent for those of us who can multi-task to help those who can't. If some people can only do one thing and look at one area, God bless them, and help us in that area, for those of us that can multi-task, let's look at the Middle East, let's look at the borders, and let's try to make sure we are secure all around.

As far as the comment of a colleague that this is a well-orchestrated effort to do nothing, I would say it is an orchestrated effort to try to get enough information. You give me facts that change my mind, then I will go to the leadership and I will push to have our conferees change their positions. I am looking forward to hearing the testimony today with regard to that.

As far as additional funding, this House, guided by and pushed by this Committee, has forced additional funding far beyond what the president has asked for. We have asked for it. We pushed for it. We have gotten it. We got $275 million last year that the president didn't even ask for for more border security. So I am glad to hear my colleagues on the other side of the aisle, they are on-board now. They want to push for more funding.

I do regret that we weren't able to get more funding to help with our ports. All our avenues of entry need to be protected. We need reform of the immigration service, whether you call it INS, ICE, whatever you want to call it. It has still got problems, and I will look forward to working on those, and I appreciate the Committee Chairman's opportunity to have this hearing.

Mr. HOSTETTLER. I thank the gentleman.

The chair recognizes the gentlelady from California, Ms. Sánchez, for purposes of an opening statement.

Ms. SÁNCHEZ. Thank you, Mr. Chairman.

I wholeheartedly agree, like most Americans do, that our immigration system is broken and it badly needs a comprehensive overhaul. Americans also agree, like I do, that we need concrete and effective immigration policies to secure our nation's borders.

Meanwhile, I can't help but say that I am totally disheartened about the election-year posturing that is going on here. The title of this hearing is pretty comical, if it wouldn't be pretty sad. It has already attracted a lot of attention in the press: "Should we embrace the Senate's grant of amnesty to millions of illegal aliens and

repeat the mistakes of the Immigration and Reform Control Act of 1986?"

Well, that is a conclusion in search of a justification, if I have ever heard one. We all know that these hearings are more about posturing, than a real honest reckoning with problems and solutions. I do think, however, that the hearing title does make one important point, and that is that we need to learn from past mistakes.

These hearing titles are one thing, and then on top of that, the majority insists on calling the bill that passed the Senate, the Reid-Kennedy bill, as if it were somehow a Democrats-only bill that our colleagues somehow ran through while Mr. Frist and Mr. Specter weren't paying attention, which is completely ridiculous.

The world knows that this was a bipartisan bill that passed with the blessing of Majority Leader Frist, Judiciary Chairman Specter, and Senate Republicans from both the moderate and conservative ends of the spectrum. While personally I am not 100 percent enamored with the Senate bill, I admire that body at least for working on a bipartisan basis and for passing a comprehensive bill, instead of the piecemeal approach that we seem to be taking in the House.

The Republican immigration hearings like the one we are holding today are pretty meaningless. In the history of Congress, the House has never held hearings on a Senate-passed bill before going to conference. If this body is truly serious about enacting much-needed border enforcement plus immigration reform legislation, they should convene a conference that is fair and bipartisan.

These sham hearings are not fooling the American public. Republicans can't run away from their record on failure on border security and immigration enforcement. I want to cite two quick examples. I know my colleague, Zoe Lofgren, also gave some examples, but this is a pretty deplorable record. In the 9/11 Act of 2004, the Republican Congress promised to provide 2,000 additional border patrol agents, 8,000 detention beds, and 800 immigration agents per year from 2006 to 2010. And yet over the last 2 years, that promise has been broken.

Between 1999 and 2004, worksite immigration enforcement operations against companies were scaled by 99 percent by the Immigration and Naturalization Service. In 1999, the U.S. initiated fines against 47 companies, and in 2004 it issued fine notices to exactly three companies. On the other hand, Democrats seven times over the last 4½ years have offered amendments on the House floor to enhance border security resources. If these amendments had been adopted, there would be 6,600 more border patrol agents, 14,000 more detention beds, and 2,700 more immigration agents along our border than now currently exist.

But each time these efforts have been rejected by the Republican majority. It is clear that the Republican rhetoric doesn't match the Republican record of neglect and underfunding. America deserves an honest debate with all the facts on the table, not rhetoric, not cute hearing titles, and not demagoguery.

I thank the Chairman and yield back.

Mr. HOSTETTLER. The chair recognizes the gentleman from Texas, Mr. Smith, for purposes of an opening statement.

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Chairman, let me just observe at the outset that I think it is pretty clear from some of the words used by those who have made opening statements who is trying to politicize an issue that should not be politicized.

But, Mr. Chairman, I want to thank you for having this hearing. In my judgment, this is probably the most complex, sensitive, and emotional issue that America faces today. So I think the more hearings on the subject, the better, and the more we can learn about such a controversial subject, the better as well.

I do think there is a temptation on the part of some individuals to blur the distinction between legal immigrants and illegal immigrants. I think that we ought to be clear that there is a distinction and it is a meaningful one. Let me also say at the outset that legal immigration has in fact made our country great. We are the great nation we are today, the most prosperous, the freest country in the world, because of the contributions that legal immigrants have been making for generations.

America also admits more legal immigrants than any other country in the world. In fact, the last time I checked America admitted as many legal immigrants as every other country in the world combined. That generosity, I believe, should and will continue. I have no doubt that America's generosity will be perpetuated.

But there is a proper and essential distinction to be made between legal immigrants who have played the rules, waited their time in line, and come into the country the right way, and those illegal immigrants who have cut in front of the line, who have broken our laws, and who have remained in the country contrary to our laws.

In that regard, let me say that while I am not going to be able to stay long enough to ask questions today, I would like to make a point about the subject of the hearing. That is that as I understand the Senate bill, people in the country illegally are going to be able to become legalized after only 6 years. That means that that bill treats illegal immigrants far better than we treat those who aspire to be legal immigrants.

I say that because if you are playing by the rules and being patient and waiting your time in line, and are from any number of countries, you have a wait that amounts to, in the case of Mexico and depending on the family relationship, you might have to wait in line 15 years. If you are from the Philippines, 23 years. If you are from India, 12 years.

Now, what kind of a message does it say to those individuals who have been waiting and playing by the rules, when someone who is in the country illegally gets to be legalized after 6 years? Basically, it says that they have not been smart to obey the law, and that they ought to try to come into the country illegally and they will become legalized much more quickly.

So in other words, unfortunately the message is you are going to be rewarded for your illegal conduct. You are going to be rewarded far more than those who have played by the rules and waited their time in line. In addition to that, you get to stay in the country while you are waiting for your legalization to occur. That seems to me just not the right way to approach the subject of immigration.

Finally, Mr. Chairman, let me just say that there is a panelist today who is a close friend and a colleague from Texas, Silvestre Reyes, who I greatly admire and respect. He knows as much about immigration as I think anybody in Congress. He has been a border patrol chief. He has been on the frontlines. He speaks about the subject with sincerity and with knowledge.

I hope I am here long enough—Silvestre, I have to leave at 11 a.m.—to hear your testimony today, but I appreciate your being here as well.

Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. HOSTETTLER. The chair now recognizes the gentleman from Virginia, Mr. Goodlatte, for purposes of an opening statement.

Mr. GOODLATTE. Mr. Chairman, thank you very much. Thank you for holding this hearing.

I want to associate myself with and add to the remarks of the gentleman from Texas, Mr. Smith. He is quite right. The great flaw is the Senate bill, and there are many flaws, but the great flaw is the granting of amnesty to people who have entered this country illegally, or, and we have not talked much about this, entered the country legally on visitor visas, student visas, business visas, and then overstayed their visa to remain here illegally.

We need to address that problem, and we need to address it in a way that is fair to everybody involved, including people who have gone through a very lengthy process. Prior to my election to Congress, I was an immigration attorney. I helped people and businesses and families who wanted to reunify families and to bring in workers that were clearly needed in the country, to do that. They go through a very arduous, lengthy, complicated, sometimes costly process to comply with the law. Some of the people who have been through that process are sitting in those lines going through that process today, and are the most adamant that we should not be granting amnesty to those who short-circuit the process.

There is another important legal principle here as well. That is, with a few exceptions like the spouses of United States citizens, we have always imposed the standard of saying that if you violate the immigration laws and are illegally in the country; if you want to adjust your status, you must go outside of the country to adjust your status and come back in.

It is a very important principle to those people who are waiting in those long lines who are trying to do this process legally. It is a very important principle to U.S. citizens who understand that while we are a nation of immigrants, there isn't a person in this room who can't go back a few generations or several generations and find somebody in their ancestry who came to this country as the land of opportunity that America still is today.

We are also a nation of laws. If you send the message that you can break those laws and then be granted amnesty, in fact massive amnesty to millions of people, you are sending the wrong message. And that is the great flaw of the 1986 bill. It wasn't the problem with employer verification. Employer verification is in that bill. There is an employer verification system there now. It can be improved. Congressman Smith attempted to improve that system in the 1990's. It was rejected by folks on the other side of the aisle.

It is a workable system, if it is enforced. I agree with those who say that both the Clinton administration and the Bush administration have not done enough to enforce our immigration laws. But the great flaw in that bill was to say to people, "you can come into this country illegally, and then at some point in time it is okay to adjust your status here without ever having to go outside the country again."

That is wrong and that sent the message to millions, millions more people, millions more people, that if they did it once, they will do it again. And now here we are examining a Senate bill that is getting ready to do exactly that once again. That is the mistake and we shouldn't repeat it.

Now, the House bill is a good comprehensive bill when it comes to immigration enforcement. I strongly support it. It is badly needed. It has to be supported by the Administration to carry out the enforcement of the current laws and these additions. But those who say there is more to be done, I don't disagree with them.

A workable guest worker program that is truly temporary and that truly requires people that are illegally in the country to go out of the country to adjust their status and come back in is something that can be discussed and negotiated in this process. And probably at the end of the day, it will be needed to meet the needs of some employers in this country.

But that is not what the Senate bill does, and that is not what we should consider here today. We should examine this flaw and examine it from the historic perspective of not making the same mistake we made 20 years ago.

Now, the point has been made that there is a felony provision in the House bill that makes it a felony to be illegally in the United States. Quite frankly, I think it being a misdemeanor is sufficient offense. But an amendment was offered on the floor of the House to convert it from a felony to a misdemeanor and it was opposed by almost every Member on the other side of the aisle, including I think every Member who is sitting here today.

So when the point is made that this House bill is atrocious because it has this felony provision, and people sit here today and complain about it, I wonder who is playing politics with this legislation. I think the point needs to be made that enforcing the law has got to be the first priority.

Mr. BERMAN. Will the gentleman yield on that?

Mr. GOODLATTE. I will be happy to yield.

Mr. BERMAN. I think our point was the House bill is atrocious and it creates felonies, not because it creates felonies.

Mr. GOODLATTE. I thank the gentleman's comment, but the gentleman was not in any way interested about correcting that provision in the House bill.

Mr. BERMAN. Will he yield further?

Mr. GOODLATTE. I would.

Mr. BERMAN. Because the gentleman, and I am referring to myself, believed that no part of finding a solution to this issue was helped by making criminal, whether it be felony or misdemeanor, any aspect of presence in the United States. The reason the House bill was atrocious is because it didn't even allow amendments on the guest worker issues that you have raised.

Mr. GOODLATTE. Reclaiming my time.

Mr. HOSTETTLER. The gentleman's time has expired.

Mr. GOODLATTE. If I might have 30 additional seconds to reply to the gentleman?

Mr. HOSTETTLER. Without objection.

Mr. GOODLATTE. I thank the Chairman.

The fact of the matter is that to sit here today and complain about the bill, about an aspect of the bill, and you may dislike the whole bill. That is fine. I understand that, and certainly that would be your vote on final passage.

But to have the opportunity to correct an aspect, not correct it, and then come back in and complain later on, I think the gentleman is without good standing to make that particular complaint about the felony provision.

Ms. WATERS. Would the gentleman yield?

Mr. HOSTETTLER. The gentleman's time has expired.

The gentlelady from California, Ms. Waters, is recognized for purposes of an opening statement.

Ms. WATERS. Thank you very much, Mr. Chairman and Members.

I don't know whether to thank you for this hearing or not. I know that this Judiciary Committee led by our esteemed Chairman, Mr. Sensenbrenner, passed out a bill from our Committee that would have been House bill number 4437, which was a very punitive bill that literally created felons out of immigrants, many of whom are trying to receive the right to be here. I think that was misdirected. I think it was unfortunate, and it has set off a firestorm in this nation.

That bill was absolutely a radical bill. Of course, Democrats did not have a lot of choice. We are outnumbered on the Judiciary Committee. We could not stop that bill. So that bill left out of here, sending a message to this country that somehow we wanted to penalize immigrants in the harshest way for simply being in this country.

The Senate tried to correct what was done over on this side by coming up with a comprehensive bill. The H.R. 4437 only dealt with border security. The Senate bill is a comprehensive bill that not only talks about how we secure our border, what we do with employers that hire illegal immigrants, and guest worker programs, but it was a bill that talked about a path to legalization.

Unfortunately, the Republican talking heads, all of the right-wing radio talk shows hosted by the familiar voices, labeled the bill an amnesty bill. Well, we all know it is not an amnesty bill, but somehow that designation stuck, and the people out there in this country began to believe that somehow the Senate was irresponsible and it simply passed out a bill that would give amnesty to all of these immigrants.

That is so unfortunate. Normally, and the reason I said that I am not so sure I want to thank you for this hearing, we should be in conference. This hearing, these hearings should have taken place before the Sensenbrenner bill got out of this Committee, and I mean serious hearings, and even all over the country. I have no reason to want to oppose the fact that we should have had hearings. But this is a day late and a dollar short, and simply an at-

tempt to politicize this whole issue, and to fan the flames of fear about immigration.

So here we are talking about the Senate bill. All we need to do is let the bill go to conference and, you know, people of good will go into conference and try to work out the problems. Now, what we have is a country that is up in arms about the fact that there is an amnesty bill out there and no real decent, considered, thoughtful conversation and discussion about what we do to deal with the problem of immigration in this country.

Of course, we have some problems, and I don't think there is anybody opposed to securing the border. You ask the most liberal Democrat, the most conservative Republican, and those who are somewhere in the center, wherever that is, and everyone will agree that we need to have border security, that we should be a country that is concerned about how our immigration program works. So we are all on that.

Now, we have to undo all of this talk about amnesty. The Republicans are caught in this situation where they ran out with the bill, and now the Chamber of Commerce and all their well-heeled friends are saying no, no, no, no, no; we need immigrants to do this cheap labor; we need immigrants not only in the fields, but we need them in the factories and everyplace else. We are beginning to find that some of our upstanding well known, well-heeled corporations have been exploiting these immigrants.

Now you have to figure out a way by which you can keep the discussion going, calling this amnesty, satisfy your conservative corporations that need the cheap labor, and somehow come out on top without telling immigrants, and particularly Latinos, that somehow you are their friend and that you don't really mean to harm anyone. Well, this is all a little bit disgusting, but we have to go through this charade. We have to go through this charade today to talk about we are having a hearing on immigration.

The fact of the matter is, ladies and gentlemen, I would hope that we would take the best parts of the Senate bill and honor the work of the Senate, secure the border, make sure that those employers who are exploiting these immigrants, are penalized and we have something in law that will do that. Think thoroughly about this guest worker program, and not simply have a guest worker program to satisfy the exploiters. I am not so sure we even need the guest worker program.

Mr. HOSTETTLER. The gentlelady's time has expired.

Ms. WATERS. Unanimous consent for 30 seconds, and I will wrap it up.

Mr. HOSTETTLER. Without objection.

Ms. WATERS. The most important thing is to have a legitimate path to legalization. What the Senate point out was there is a way that you can do this. We can ask these immigrants to pay fines, to learn English, to whatever, but give them an opportunity, particularly those who have been in this country for years. Many of them have children who are legal. They may not be legal, but we should not separate families the way that bill that passed out of here would do.

I would just ask us to try and give some real direction to an immigration bill that would make good sense.

Thank you very much.

Mr. HOSTETTLER. I thank the gentlelady.

We will now introduce members of our distinguished panel.

First of all, the Honorable Silvestre Reyes represents the 16th District of Texas. Now in his fifth term, Congressman Reyes became the first Hispanic to represent his district in the United States House of Representatives. The 16th District of Texas includes the city of El Paso and surrounding communities, and lies within the El Paso County boundary. El Paso and Ciudad Juarez comprise the largest border community in the United States.

Representative Reyes has extensive experience in border security issues, as has already been mentioned, having spent over 26 years with the United States Border Patrol, where he eventually served as sector chief in both McAllen and El Paso, Texas.

Phyllis Schlafly founded Eagle Forum in 1972, a national organization of citizens who participate in the public policymaking process as volunteers. She has testified before more than 50 congressional and State legislative committees on constitutional, national defense, technological and family issues. Mrs. Schlafly served as a member of the Commission on the Bicentennial of the U.S. Constitution from 1985 to 1991, appointed by President Reagan and chaired by Chief Justice Warren Burger.

Phyllis Schlafly received her J.D. from Washington University Law School and is admitted to the practice of law in Missouri, Illinois, the District of Columbia and the U.S. Supreme Court. She is Phi Beta Kappa and Pi Sigma Alpha, and a graduate of Washington University, and received her master's in government from Harvard University.

Steven Camarota is director of research at the Center for Immigration Studies. In recent years, he has testified before Congress more than any other non-Government expert on immigration. His articles on the impact of immigration have appeared in both academic journals and the popular press, including Social Science Quarterly, The Washington Post, the Chicago Tribune, and National Review. He holds a Ph.D. from the University of Virginia in public policy analysis and a master's degree in political science from the University of Pennsylvania.

James R. Edwards, Jr., is an adjunct fellow with the Hudson Institute. Dr. Edwards' publications includes the Congressional Politics of Immigration Reform, which was nominated for the Hardeman Prize. He has written policy papers on such topics as State and local police enforcement of immigration laws, ideological exclusion, the connection between legal and illegal immigration, and public charge doctrine. His writing has appeared in *The New York Times, Christian Science Monitor, Investor's Business Daily, The Washington Times* and elsewhere.

Members of the panel, as is the custom of our Committee, I would ask that you please stand and raise your right hand to take the oath.

[Witnesses sworn.]

Thank you. You may be seated.

Let the record reflect that the witnesses responded in the affirmative.

At this time, all members of the panel are instructed that, without objection, your written statement will be made a part of the record. We have a series of lights in front of you. All of you I am sure are very familiar with the 5-minute time limit. We ask that you summarize your comments within that 5-minute time period.

Congressman Reyes, you are recognized for 5 minutes.

THE HONORABLE SILVESTRE REYES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. REYES. Thank you, Mr. Chairman and Ranking Member Jackson Lee. Thank you for inviting me to be here and allowing me to testify before the Subcommittee this morning.

As we have sat here for the past hour, I just want you to know that the head of the CIA is in my Intelligence Committee, where we are working on some very important issues dealing with national security, and also at 10:30 I had a hearing in the Veterans Committee on cyber-security because of the 26 million or so veterans whose Social Security numbers could have been jeopardized.

But I am here, and I only mention that because I want you to know how important this issue is to me and to the district that I represent, and I think to our country. As I was listening to my good friend and colleague from Texas talk about our long-time friendship, I have been testifying before Congress for the last 15 or 20 years on border security, terrorism, drug trafficking and all those kinds of issues.

So this morning, Mr. Chairman, I would like to preface my remarks about the substance of today's hearing on the Immigration Reform and Control Act of 1986, with a word or two about the process, or perhaps having listened to all of you and your opening statements, the politics that actually got us here.

It has been nearly 5 years since the terrorist attacks of September 11, 2001. There have been countless investigations, hearings and reports about how to secure our borders and curb illegal immigration, but far too little in the way of meaningful measures to keep America safe, in my opinion. The time for talk about these issues has long since passed, and the moment of action is now.

Instead of numerous hearings that may make perhaps good politics, but do little to advance sound policy, Congress, all of us, need to reach a compromise agreement on comprehensive border security and immigration reform legislation.

I need to tell you that what we are doing now, what we are engaged in, is being perceived as convoluted and confusing around the country. Since the House Republican leadership is moving forward with these kinds of hearings anyway, I have come here to share with this Subcommittee my experience in border security and immigration reform to help ensure that we do not confuse rhetoric with reality on these very important issues of national security to our country.

As many of you have mentioned before, before coming to Congress I served for 26½ years in the United States Border Patrol, including 13 years as a sector chief in McAllen and in El Paso. During the course of my career, I patrolled the tough terrain of the United States-Mexico border region, and I supervised thousands of hardworking and dedicated border patrol agents and did every-

thing within my power and theirs to strengthen our borders and to reduce illegal immigration.

I am probably the only person in this hearing room and in Congress who actually witnessed first-hand the effects of IRCA and other immigration legislation passed by Congress. I often tell people, including a group of about 300 or 400 last Friday night where one of my former colleagues retired, that there is good news and bad news in being the only Member of Congress that has this background.

The good news is a lot of people talk to me about it and want to get my opinion. The bad news is oftentimes my comments and my opinion are disregarded, and we keep on doing the same things over and over to the detriment of the security of our country. As I said, I represent a border district. In fact, I have spent my whole life on the border. I live there today and I am honored to represent the people of El Paso and the El Paso area in the House of Representatives.

Like most Americans, and especially given my background and experience, I am frustrated by our Administration and the leadership in both the House and the Senate and the failure to secure our borders and curb illegal immigration. This is 5 years after 9/11. This is why in coming to Congress, I have lobbied my colleagues for greater resources for border security, including additional border patrol agents, equipment and technology, more immigration inspectors, judges and thousands of new detention beds, so we could once and for all end the catch-and-release policy of releasing OTMs.

I have also long supported providing the resources required to enforce immigration laws in our nation's interior, including tough sanctions against employers who hire undocumented workers. If it were harder for an undocumented worker to get a job, fewer of them would try to enter this country illegally, which would allow the border patrol to focus on those who might be trying to come here to do us harm, which by the way was a message that my former colleague stressed over and over last Friday night.

Yet in every instance, the leadership and the Administration have failed to deliver these very necessary resources, even though experts agree that another terrorist attack on our country is not a matter of if it happens, but when it happens.

I think my colleagues have gone over the shortages that we have seen in terms of the Intelligence Reform Act of 2004, so if I can take an additional 30 seconds or so just to give you some of my observations, because I know a lot of you have expressed opinions on the Immigration Reform and Control Act of 1986.

Mr. HOSTETTLER. Without objection.

Mr. REYES. If there was a failure, there was a failure in that Congress did not fund the resources necessary to enforce employer sanctions. I can assure you, based on my own experience along the border, employer sanctions worked, and they worked very effectively because we had the resources to check businesses along the border corridors where I was chief.

We took that law seriously. Apparently, Congress did not. And when people look and say that the Administration has failed to en-

force the law, it is Congress that has failed to fund the resources necessary to prioritize that as part of the process.

I can also tell you that immediately after the passage of the 1986 Immigration Reform and Control Act, we had a downturn in attempted illegal entries, that is people trying to enter this country. Some sectors were down as much as 80 percent on the U.S.-Mexico border.

The overwhelming reason, and there were surveys taken, the overwhelming reason was because people understood that there were now employer sanctions that were going to kick in; that those were going to be enforced. And so they didn't think it was worthwhile to go through all the process of entering this country illegally when they weren't going to be able to get a job once they got here.

We failed as a Congress. I can't tell you how frustrating it is for me to see us again talking and talking and bantering back and forth politically and with great partisanship, when we are in danger because we haven't done the things that we have promised to do in securing our border.

I hope that at some point in wrapping up I get a chance to talk about H.R. 98, which is a bill that I have cosponsored with Congressman Dreier that addresses the Social Security card, addresses a system where employers would verify that card and the person that presents it, and also gives resources to both the Immigration and Customs Enforcement, who are responsible for employer sanctions, and Social Security, to be able to make that happen. I think H.R. 98 unto itself would be one of the most important things that we could do as a Congress.

I very much appreciate the opportunity to be here. As I said, although I have those two other hearings going on, I am going to sit here and answer any questions that Members may have. I hope that we are working our way toward some meaningful immigration reform that takes into account all of the priorities that were mentioned by Members on both sides, that we do come with the Senate and come up with a compromise so that we can work for this country in securing its borders and its national security.

With that, thank you for your indulgence, Mr. Chairman. It is a pleasure to be here before you and your Subcommittee.

[The prepared statement of Mr. Reyes follows:]

PREPARED STATEMENT OF THE HONORABLE SILVESTRE REYES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Chairman Hostettler and Ranking Member Jackson Lee, thank you for allowing me to testify before your Subcommittee this morning.

I would like to preface my remarks about the substance of today's hearing on the Immigration Reform and Control Act of 1986 (IRCA) with a word or two about the process, or perhaps I should say the politics, that got us here.

In the nearly five years since the terrorist attacks of September 11, 2001, there have been countless investigations, hearings, and reports about how to secure our borders and curb illegal immigration, but far too little in the way of meaningful measures to keep America safe. The time for talk about these issues has long since passed and the moment for action is now. Instead of numerous hearings that may make good politics but do little to advance sound policy, Congress needs to reach a compromise agreement on comprehensive border security and immigration reform legislation.

Since the House Republican leadership is moving forward with these hearings anyway, I have come here to share with this Subcommittee my experience in border security and immigration and to help ensure that we do not confuse rhetoric with reality on these important issues.

Before being elected to Congress, I served for 26 ° years in the United States Border Patrol, including 13 years as Sector Chief, first in McAllen, Texas and later in El Paso, Texas. During the course of my career, I patrolled the tough terrain of the United States-Mexico border region, supervised thousands of hard-working, dedicated Border Patrol agents, and did everything within my power to strengthen our borders and reduce illegal immigration. I am probably the only person in this hearing room who actually witnessed firsthand the effects of IRCA and other immigration legislation passed by Congress, on the ground in the U.S.-Mexico border region.

In fact, I have spent my whole life on the border, having been born and raised in Canutillo, Texas, which is located near El Paso, Texas. Today, I am honored to represent the people of the El Paso area in the U.S. House of Representatives.

Like most Americans, and especially given my background and experience, I am frustrated by the Administration and the Republican congressional leadership's failure to secure our borders and curb illegal immigration, five years after 9/11. That is why since coming to Congress, I have lobbied my colleagues for greater resources for border security, including additional Border Patrol agents, equipment, and technology; more immigration inspectors and judges; and thousands of new detention beds so we can end the absurd practice of catch-and-release of other-than-Mexicans, or OTMs, once and for all.

I have also long supported providing the resources required to enforce immigration laws in our nation's interior, including tough sanctions against employers who hire undocumented workers. If it were harder for an undocumented worker to get a job, fewer of them would try to enter this country illegally, which would allow the Border Patrol to focus on those who may be trying to come here to do us harm.

Yet in every instance, the President and the current leadership in Congress have failed to deliver these necessary resources, even though experts agree that another terrorist attack on our country is not a matter of if, but when.

For instance, the Intelligence Reform Act of 2004, often referred to as the 9/11 Act, called for 2,000 additional Border Patrol agents annually from fiscal year 2006 through fiscal year 2010, but Congress has fallen well short of providing that number. Time after time the Republican leadership has voted against efforts to fund the authorized number of agents, leaving the Border Patrol to do the best they can with not nearly as many agents as they need.

Similarly, the 9/11 Act called for 8,000 additional detention beds annually for five years, but far fewer have actually been funded. As a result, OTMs are still being released with nothing more than a notice to appear, not because the Border Patrol wants to release them, but because we have nowhere to detain them.

In total, Congress is 800 Border Patrol agents and 5,000 detention beds short of what was promised in the 9/11 Act. If the September 11, 2001 terrorist attacks did not convince the Administration and congressional leaders that border security and immigration must be a priority, what will?

Talk is cheap. What border residents want, and what Americans want when it comes to border security and immigration reform, is action.

With that, Mr. Chairman, thank you again for allowing me to participate today. I look forward to hearing from the other members of the panel and our witnesses.

Mr. HOSTETTLER. Thank you, Congressman Reyes.

The chair now recognizes Mrs. Schlafly.

TESTIMONY OF PHYLLIS SCHLAFLY, PRESIDENT, EAGLE FORUM

Mrs. SCHLAFLY. Thank you, Mr. Chairman and Members of the Committee.

As the president of Eagle Forum, a national, conservative, pro-family organization of grassroots volunteers, I am in close touch with the people you would call grassroots Americans. In the last 6 months, I have given speeches in 16 States: Florida, Virginia, Utah, California, Georgia, Michigan, Illinois, Alabama, New York, Arizona, Arkansas, Missouri, Wisconsin, Texas, Kansas and New Jersey.

I can report that the invasion by illegal aliens is the hottest issue across America, even in States far from the border, such as Kansas

and Georgia. The first question I am always asked is: "Why doesn't the Government get it about illegal immigration?"

Americans are basically a fair-minded people and the continued entry of thousands of illegal aliens offends our ideals of fairness. Failure to stop the entry of illegal aliens is unfair to those who don't have health insurance, but see illegal aliens given costly treatment at hospitals for which U.S. taxpayers have to pay the bill.

It is unfair to the legal immigrants who stand in line and wait their turn to comply with our laws. It is unfair to our friends in Arizona who are afraid to go out of their homes without a gun and a cell phone.

It is unfair to small businessmen who are trying to run an honest business, pay their taxes and benefits to employees, but cannot compete with their competitors whose costs are so much less because they hire illegal aliens in the underground economy. It is unfair to American children in public schools who see their classrooms flooded with kids who cannot speak English and cause a gross decline in the quality of education. It is unfair to our own 16 million high school dropouts who need those low-wage jobs to start building a life.

Americans are basically a law-abiding people, and we believe our Government has betrayed us by its failure to enforce immigration law. Failure to stop the entry of illegal aliens is an offense against our fundamental belief that we are a nation that respects the rule of law.

In addition to believing that failure to enforce the law is unfair and a betrayal, the American people have lost faith in the honesty of our leaders. Americans think we are being lied to. Everybody knows that the various plans called "legalization" or "earned citizenship" are euphemisms for amnesty. The president and other public officials lose credibility every time we hear them deny that Senate bill 2611 is not amnesty. The American people don't like to be talked down to by politicians who play games with words.

Americans also feel lied to by the Senate bill's use of the term "temporary guest workers." We know the president and the senators are not telling the truth when they imply that guest workers will go home after a couple of years. The American people are thinking, we don't believe you, and worse, we don't believe that you believe what you are saying, because the evidence is so overwhelming that guest workers do not go home.

The Senate bill invites guest workers to a path for citizenship after a few years, and anyway, it is obvious that those few years give plenty of time to produce an American-born anchor baby. The American people also believe we are lied to by those who say we cannot get border security unless we also have a guest worker program and amnesty-lite. That is what they mean when they demand a comprehensive bill.

Mr. Chairman, you all need to realize that "comprehensive" has become a word as offensive as "amnesty," because we have figured out that it is just a cover for a plan to repeat the mistakes of the 1986 Immigration Reform and Control Act known as Simpson-Mazzoli. That was a comprehensive bill which combined amnesty with promises of border security and sanctions on employers who hired

illegal aliens. We got amnesty, but we did not get border security or employer sanctions. There was massive fraud and the illegal population quadrupled.

The American people are not willing to be cheated again by the word "comprehensive." Their attitude is, fool me once, shame on you; fool me twice, shame on me. When we hear the word "comprehensive," we believe that legalization and guest workers will be fully implemented, but we will get nothing but pie-in-the-sky promises about border security and employment verification.

If you have water in your basement, plan A must be to stop more water from coming in before you deal with the water already in the basement. Plan A is border security only, House bill 4437. We thank Chairman Sensenbrenner and the 88 percent of Republican House Members who voted for it. The House bill cannot be compromised or conferenced with the Senate bill because, in the words of the old adage, you cannot make a silk purse out of a sow's ear.

Thank you, Mr. Chairman.

[The prepared statement of Mrs. Schlafly follows:]

PREPARED STATEMENT OF PHYLLIS SCHLAFLY

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Failure to stop the entry of illegal aliens is unfair to those who don't have health insurance but see illegal aliens given costly treatment at U.S. hospitals for which U.S. taxpayers have to pay the bill. It is unfair to the legal immigrants who stand in line and wait their turn to comply with our laws. It is unfair to our friends in Arizona who are afraid to go out of their homes without a gun and a cell phone. It's unfair to small businessmen who are trying to run an honest business, pay their taxes and benefits to employees, but can't compete with their competitors whose costs are so much less because they hire illegal aliens in the underground economy. It is unfair to American children in public schools who see their classrooms flooded with kids who can't speak English and cause a gross decline in the quality of education. It's unfair to our own high school dropouts who need those low-wage jobs to start building a life.

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Americans also feel lied to by the Senate bill's use of the term "temporary guest workers." We know the President and the Senators are not telling the truth when they imply that guest workers will go home after a few years. The American people are thinking, we don't believe you C and worse, we don't believe that you believe what you are saying because the evidence is so overwhelming that guest workers do not go home. The Senate bill gives guest workers a path to citizenship after a few years and, anyway, it's obvious that those few years give plenty of time to produce an American-born anchor baby.

The American people also believe we are lied to by those who say we can't get border security unless we also have a guest-worker program and "amnesty lite." That's what they mean when they demand a "comprehensive" bill. But "comprehensive" has become a word as offensive as amnesty because we have figured out that it is just a cover for a plan to repeat the mistakes of the 1986 Immigration Reform and Control Act, known as Simpson-Mazzoli. That was truly a comprehensive law which combined amnesty with promises of border security and sanctions on employers who hired illegal aliens. The illegal aliens got their amnesty B but we did not get border security or employer sanctions. There was massive fraud, and the illegal population quadrupled.

The American people are not willing to be cheated again. Their attitude is: Fool me once, shame on you; fool me twice shame on me. When we hear the word "comprehensive," we believe that legalization and guest workers will be fully implemented, but that we will get nothing but pie-in-the-sky promises about border security and employment verification.

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I. THE SENATE BILL REPEATS THE 1986 MISTAKES

When President Bush went to Cancun, Mexico, in March, he said that he is committed to signing a "comprehensive immigration bill. And by 'comprehensive,' I mean not only a bill that has border security in it, but a bill that has a worker permit program in it. That's an important part of having a border that works." In his nationally televised speech on May 15, President Bush reiterated that we can't have border security unless we also have a "comprehensive" bill including legalization and guest workers.

There are two problems with that argument. First, it is downright ridiculous to say that our government can't stop illegals from entering our country unless we legalize large numbers who want to come in. The United States has troops guarding borders all over the world, and it is not credible that we can't guard our own border. Second, we don't believe that the people who make that argument will ever give us border security. There is no hard evidence that they want to stop illegal aliens from coming into our country. George Bush has had six years to enforce border security. When grassroots Americans don't believe the President is leveling with us, it damages the moral fabric of our nation.

The Senate bill would give legal status and a path to citizenship (i.e., amnesty) to the 11 to 20 million aliens (workers, spouses and children) who entered our country illegally and have been using millions of fraudulent documents. They would then become recipients of our generous entitlements. The cost to the taxpayers of this monumental expansion of the welfare state would be at least $50 billion a year. U.S. taxpayers would be saddled with paying for the entitlements of these low-income families, including Medicaid, Social Security (with credit for FICA taxes paid under false numbers), Supplemental Security Income, Earned Income Tax Credit (cash handouts of up to $4,400 a year to low-wage households), the WIC program, food stamps, public and subsidized housing, Temporary Assistance to Needy Families, public schooling and school lunches, and federally funded legal representation.

The Simpson-Mazzoli Act is a good model of how any type of legalization or "amnesty light" will be fraught with fraud. That 1986 Act was expected to amnesty one million people; it turned into three million. Five illegals who received amnesty in 1986 subsequently participated in the attack on the World Trade Center in 1993. One of them, the terrorist Mahmud "The Red" Abouhalima, a New York City taxi driver who got amnesty as an agricultural worker, used his legal status to travel to Afghanistan for terrorist training and then return to attack us.

Even worse than the Senate bill's plan to deal with the illegal aliens now in the United States is its mammoth legalization of foreigners under the deceitful words "temporary" and "guest-worker." The newly imported workers will not be temporary and will not be guests. We are indebted to the Heritage Foundation for its stunning report proving that the Senate bill is a stealth open borders bill that will import about 66 million people into our country permanently and put them on the path to citizenship. This is "the most monumental bill ever considered" and its mindboggling costs would be the largest-ever expansion of taxpayer-paid entitlements.

The fine print in the Senate bill describes how the so-called temporary guest workers, who will be given new H-2C visas, will convert to legal permanent residents with the right to become U.S. citizens after five years. The plan would start by importing 200,000 foreign workers with new H-2C visas in the first year. The H-2Cers can immediately bring in their family members on H-4 visas, without being required to have a physical, and they also will get permanent legal residence and citizenship.

The demographics of the new guest workers would be similar to those of the illegal aliens already in our country. Over half are high school dropouts, they work low-paid jobs that require little or no income tax to be paid, they are 50% more likely to receive tax-paid benefits than natural-born households, and they have a 42% rate of out-of-wedlock births (all of whom, of course, will be granted automatic U.S. citizenship). Working low-income jobs, they will qualify for the cash handouts called the Earned Income Tax Credit paid by taxes imposed on American citizens.

The Senate bill would, within 20 years, make 25% of our population foreign born (most of them high school dropouts), even though Pew Research reports that only 17% of Americans support increased immigration. It is impossible in so short a time to assimilate 66 million people whose native culture does not respect the Rule of Law, self-government, private property, or the sanctity of contracts, and who are accustomed to an economy based on bribery and controlled by corrupt police and a small, rich ruling class that keeps most of the people in dire poverty.

The Senate bill would give the so-called temporary guest workers preferential rights that American citizens do not have. The temporary workers can't be fired from their jobs except for cause, they must be paid the prevailing wage, and they can't be arrested for other civil offenses if they are stopped for traffic violations.

The bill assures the illegals they can have the preference of in-state college tuition (a large taxpayer-subsidized benefit of up to $20,000 a year), which is denied to U.S. citizens in 49 other states, plus certain types of college financial assistance.

After the so-called temporary guest workers and their spouses become citizens, they can bring in their parents as permanent residents on the path to citizenship. Although the parents have never paid into Social Security, they will be eligible for Supplemental Security Income (SSI) benefits. Siblings and adult children and their families will be given preference in future admissions.

A system of temporary guest workers would give America a future like France, which is staggering under multicultural guest workers and bloated tax-paid welfare entitlements. It would turn the United States into a boarding house for the world's poor by enabling employers to import millions of "willing workers" at low wage-levels.

There is still more that is disastrous about the Senate bill. It would invite into our country with guest-worker status 115,000 skilled workers on H-1B visas, and raise the number each year. H-1Bs encourage corporations to hire engineers and computer specialists from India, Pakistan and China at half the salary Americans would be paid. The Senate bill would exempt from the H-1B visa cap and put on the track for permanent residence all foreigners who get advanced degrees from a U.S. university (an additional discrimination against U.S. graduates in technical subjects).

The Senate bill would also create a new F-4 visa category for foreign students pursuing an advanced degree in math, science, engineering or technology and put them on the track for permanent residence (thereby discouraging U.S. students from majoring in math and science).

When I lecture on college campuses, students tell me they are switching out of computer science because they are told that there are almost no jobs available for computer majors. Of course there are plenty of computer jobs, but not for Americans because big business would rather hire foreigners. This system is not the free market; it's politicians and corporations conniving to do an end run around our immigration laws in order to keep wages artificially low.

The rationale for inviting H-1B foreigners to take American jobs is an alleged labor shortage, but we never had any shortage in engineers or computer technicians. The labor-shortage claim is ridiculous today since there are more than 100,000 unemployed or underemployed Americans with those skills. After the dot-com bust a few years ago, tens of thousands of computer workers and engineers left Silicon Valley and took any job they could get, of course at a fraction the pay they had been receiving.

The promise that employers will offer jobs to Americans first is a sick joke. American engineers and computer techies who lost their jobs to foreigners under the H-1B visa guest-worker racket know that a look-for-Americans-first rule is never enforced and easily evaded.

At least 463,000 H-1B workers are employed in the United States, and some estimate twice that number. H-1Bers who are hired by universities and other exempt institutions are not in the count. During the third quarter of last year, high tech companies in the U.S. laid off workers in record numbers, but they didn't lay off H-1B workers. Just before being laid off, hundreds of American engineers and computer specialists were forced to train their foreign replacements.

The best research on the economics of H-1B workers has been done by Professor Norman Matloff of the University of California/Davis.

It's bad news for America's future if the corporations learn to rely on foreigners for all their computer work. Americans, not foreigners, are the source of the technical innovations we need to stay ahead in the fast-moving computer industry. Of the 56 awards given by the Association for Computing Machinery for software and hardware innovation, only one recipient was an immigrant.

II. "COMPREHENSIVE" COMPROMISES ARE MISTAKES, TOO

Faced with the American people demanding border security, we now hear some voices saying, okay, we'll package border security with legalization and guest worker, and we'll even promise to deal with border security *first*. We don't believe them. We have to see proof that the border is closed to illegal aliens and to illegal drugs before we talk about anything else. These so-called compromise plans are heading down the same failed road as the Simpson-Mazzoli Act.

For example, the bill proposed by Rep. Mike Pence tries to play the game of asserting border security *first* followed by legalization of current illegal aliens and a massive guest worker plan. This has all the defects of the Senate bill and in some respects it is even worse because, as Pence wrote in the *Wall Street Journal*, "There will initially be no cap on the number of visas that can be issued." These visas would be distributed at offices anywhere in the world under the cutesy name Ellis Island Centers. Anyone may apply for these guest-worker visas from anywhere in the world. The Pew Hispanic Center reports that 49 million Mexicans want to live in the United States if they get the opportunity. There may be 5 billion people in the world who would like to come to America.

These Ellis Island Centers would be financed by private industry, which Pence claims would be more efficient than government bureaucracy. Business would, indeed, be more efficient than government in importing more foreign workers, but it would be like putting the fox in charge of the chicken coop. Private industry has a built-in incentive to import as much cheap labor as possible.

Private industry would no doubt be happy to set up Ellis Island Centers in India, Pakistan and China to completely bypass any limit on H-1B visas and bring in an unlimited number of lower-paid engineers and computer techies to replace Americans. Private industry will be only too happy to set up Ellis Island Centers in the Philippines (where tuberculosis is rampant) and bring in an unlimited number of lower-paid nurses to decimate the U.S. nursing profession.

In dealing with the problem of the illegal aliens now in our country, Pence tries to avoid the amnesty label by requiring them to make what he calls "a quick trip across the border" to Mexico or Canada to pick up a new visa so long as a U.S. employer certifies that a job awaits him. Pence told *Time* Magazine that his bill "will require the 12 million illegal aliens to leave." We'll believe that only if we actually see it happen.

What about the millions of illegal aliens in the U.S. today who do not have an employer willing to go on record as guaranteeing a job for a foreigner? These would include the relatives of jobholders, the day laborers, and the millions of illegal aliens working in the U.S. underground cash economy (an estimated 40% of the total). Pence's proposal is silent on this.

The Pence plan provides that the guest workers, after living here legally for six years, can **choose** whether to apply for citizenship or to return home. What if the aliens don't choose either option but just remain? Will they be deported after they have raised a family and established roots? Six years is ample time to have a U.S.-born anchor baby and start family chain migration.

III. GUEST WORKER PLANS ARE IMMORAL AND UN-AMERICAN

Even if a guest worker plan actually works the way it is promised, it would be immoral and un-American. Theodore Roosevelt warned: "Never under any condition should this nation look at an immigrant as primarily a labor unit. We cannot afford to continue to use hundreds of thousands of immigrants merely as industrial assets while they remain social outcasts and menaces any more than 50 years ago we could afford to keep the black man merely as an industrial asset and not as a human being."

Inviting foreigners to come to America as guest workers is equivalent to sending the message: You people are only fit to do menial jobs that Americans think they are too good to do. We will let you come into our country for a few years to work low-paid jobs, but you have no hope of rising up the economic and social ladder, and we do not expect (or want) you to become Americans.

Inviting foreigners to come to America to do jobs that Americans think they are too good to do would create a subordinate underclass of unassimilated foreign workers, like the serf or peasant classes that exist in corrupt foreign countries such as Mexico or Saudi Arabia. That's not the kind of economy or social structure that made America a great nation.

Some people say that leaving our borders open to people who want to sneak into our country illegally is the compassionate and Christian thing to do. On the contrary, it is uncaring and immoral to close our eyes to the crime on our southern border.

Failing to close our border to illegals means giving up on the war on drugs because most illegal drugs come over our southern border and then are shipped all over the United States. Drug smugglers armed with automatic weapons, global-positioning units and night-vision scopes have become increasingly aggressive in protecting their illicit cargoes. Attacks on our Border Patrol agents have risen fivefold in the past year. Mexican drug cartels are even running illegal marijuana farms in our national parks, protected by booby traps and guards carrying AK-47s.

The smuggling of human beings over our border is an organized criminal racket that ought to be stopped, and the number of illegal crossings has significantly increased ever since the President began talking about his guest-worker/amnesty plan. That's no surprise; the amnesty we granted in 1986 vastly increased the number of illegal aliens.

The smugglers charge thousands of dollars for the promise to bring people across the border, and then often hold them for ransom until additional payments are made. Female border crossers are often raped by the same smugglers who were paid $2,000 for safe passage. Hundreds die from thirst and dehydration when crossing the desert or in locked trucks without air or water. How many people will have to die before our government closes our border so that smugglers and their victims won't believe the illegal racket is worth the risk?

Legal immigrants must be healthy to be admitted, but nobody is giving a health exam to people sneaking across the border. Illegal aliens are bringing in diseases such as Chagas that were formerly unknown in the United States, plus bedbugs and diseases we had eradicated decades ago such as tuberculosis, malaria and even leprosy.

Failure to close our border to illegals means that Arizonans live in fear of the aliens who trespass across their land every night, destroying their property, tearing down fences, and killing their animals. Since President Bush lives in a house protected by a fence, why can't Arizonans be protected by a fence? The most moral and humanitarian thing we can do is to erect a fence and vastly increase the number of our border agents in order to stop the drugs, the smuggling racket, the diseases, and the crimes.

France and Germany have already demonstrated the folly of a guest-worker economy. They admitted foreigners to do low-paid jobs, and now both countries have millions of foreign residents who do not assimilate, who burden the social welfare system, and who become more disgruntled and dangerous every year.

Guest-worker/amnesty would help to perpetuate Mexico's corrupt economic system, which keeps a few people very rich and most Mexicans in abject poverty. Mexico is a very rich country with enormous quantities of oil, but the oil is entirely owned by the government. The wealthy Mexican elites are glad to export some of their dissidents and unemployed so they can get jobs in the United States and send back $20 billion a year to Mexico.

IV. BORDER SECURITY IS ESSENTIAL AND MUST COME FIRST

When is our government going to protect us from the crime, the drugs, the smuggling racket, destruction of property, and the endangerment to U.S. residents along our border and to our undermanned Border Patrol?

President Bush bragged in his speech that "we have apprehended and sent home about six million people entering America illegally," but he didn't say how many of those six million were repeats. Maybe a truthful figure would be one million people deported six times, while the number of illegal aliens in the United States increased by five million after Bush became President. The illegal alien who drove 100 miles an hour on Interstate 485 on the wrong side of the highway, killing a University

of North Carolina coed in November 2005, had been returned to Mexico 17 times. Did Bush count him 17 times in his six million figure?

President Bush's choice of verbs shows that his talk of border barriers, technology and more agents are empty promises. All the good stuff that he proposed was prefaced by the words "we will;" he never said "we are" doing these things. Bush said, "To secure the border effectively we must reduce the numbers of people trying to sneak across. That's impossible. The Pew Hispanic Center reports that 46% of the population of Mexico would like to live in the United States, and 20% would come illegally if they could.

At least 85% of the illegal drugs coming into the United States are coming across our southern border. Our so-called war on drugs is a farce unless our government closes our southern border. There is, indeed, a drug war going on, but it is a war between rival Mexican drug gangs C with the U.S. government a bystander lacking manpower or weapons to take action. Are we going to continue to leave our border agents sitting ducks for Mexican snipers?

Our government recently seized an enormous cache of weapons in Laredo, Texas. This included two completed Improvised Explosive Devices (IEDs), materials for making 33 more, military-style grenades, 26 grenade triggers, large quantities of AK-47 and AR-15 assault rifles, 1,280 rounds of ammunition, silencers, machine gun assembly kits, 300 primers, bullet-proof vests, police scanners, sniper scopes, narcotics, and cash.

The Department of Homeland Security admits that there have been 231 documented incursions by Mexican military or police, or drug or people smugglers dressed in military uniforms, during the last ten years, including 63 in Arizona, and several Border Patrol agents have been wounded in these encounters. Our Border Patrol agents say they are often confronted by corrupt Mexican military units employed to protect and escort violent drug smugglers.

Meanwhile, the news media have shown us pictures of the sophisticated 2,400-foot tunnel running from Mexico under our border to a warehouse in San Diego. U.S. authorities recovered more than two tons of marijuana, and it is unclear how long the tunnel has been in operation or how many tons of drugs already passed through. It is believed that the drug cartel started building the tunnel two years ago. Why did it take our government two years to discover it?

The U.S. Department of Homeland Security issued an Officer Safety Alert on December 21, 2005, stating: "Unidentified Mexican alien smugglers are angry about the increased security along the U.S./Mexico border and have agreed that the best way to deal with U.S. Border Patrol agents is to hire a group of contract killers." The alert states that the smugglers intend to bring members of the Mara Salvatrucha street gang, known as MS-13, to perform the killings.

MS-13 is one of the most brutal and dangerous gangs in the world. In addition to murder, MS-13 engages in mutilation, beheadings, chopping off of fingers, and torture. MS-13 is now estimated to have 10,000 members in 33 U.S. states and another 50,000 in Mexico and Central America. T.J. Bonner, president of the National Border Patrol Council, said, "MS-13 has shown that its members have very little regard for human life. Some of the atrocities they have committed are truly unspeakable, and it worries me to know that our agents on the line are now the targets."

In reporting on Mardi Gras on February 27, CBS-TV Evening News aired a segment on how the tattooed MS-13 street gang has invaded New Orleans. CBS explained that they are vicious beyond anything New Orleans police have ever experienced, and will kill a policeman immediately rather than run the risk of being deported. MS-13 members are usually laborers by day and murderers by night. They came to Louisiana to take jobs as carpenters, plumbers, and other construction jobs (jobs that should be reserved for displaced Louisiana citizens).

The *New York Times* reported that 18,207 illegal OTMs (Other Than Mexicans) were the beneficiaries of the Bush Administration's scandalous "catch and release" procedure in the three months *since* Homeland Secretary Michael Chertoff promised to "return ever single illegal entrant—no exceptions." Catch and release means that the illegal OTMs are not deported but, after they are caught, they are released on their own recognizance with instructions to reappear a few weeks hence, with everybody understanding that they will disappear into the American population.

An estimated 400,000 people who have been ordered out of the United States, including many convicted criminals or those from terrorist states, are still living in the U.S. because federal officials have failed to ensure their removal.

Immigration investigators busted a 16-member smuggling ring in El Paso that brought thousands of illegal aliens into the U.S. The smugglers charged the aliens $1,500 to $6,000 each, depending on their point of origin. Rig drivers were paid $300 for each alien they successfully delivered to Dallas. The illegals were squeezed into

truck trailers; one had 79, another had 51 riding in a locked trailer with no food and one empty 20-ounce water bottle.

The Mexican government is facilitating illegal entry by distributing maps of dangerous border areas along with safety instructions and other tips. The maps provide details of the terrain, cell-phone coverage, and water stations.

Let's put border security in perspective. We currently have 37,000 U.S. troops guarding the 151-mile border between North and South Korea, but we have fewer than 12,000 agents to monitor 2,000 miles of our southern border. President Bush seems to think that we will be comforted by 6,000 National Guardsmen sent to the southern border for one year C not to guard the border, but merely to "assist" our Border Patrol. A month after his speech, only 100 Guardsmen had reached the border.

V. ILLEGAL IMMIGRATION IS AFFECTING AMERICAN JOBS

The American people know, even if our government doesn't seem to get it, that the vast influx

of foreigners is costing Americans both jobs and good wages. We see this in unskilled entry-level jobs, needed by our own high school dropouts and college students, all the way up to skilled jobs needed by our engineers and computer specialists. This is not the operation of the free market; it is the result of the failure of our government to enforce border security, track foreigners who overstay their visas, and enforce the law about employment verification.

President Bush said that "businesses often cannot verify the legal status of their employees." On the contrary, the technology is already in place for employers to verify the legality of Social Security numbers, but only a tiny percentage of employers voluntarily do this.

A study published by the National Bureau of Economic Research reported that the surge of immigration in the 1980s and 1990s lowered the wages of our own high school dropouts by 8.2%. The surge has accelerated since that report was issued. Bush wants to give U.S. jobs to foreigners so they can rise "from a life of low-paying jobs to a diploma, a career, and a home of their own." He shows no compassion for the millions of American high school dropouts who need those entry-level jobs.

At Cancun, Mexico in March, President Bush repeated the falsehood that illegal aliens are "doing work that Americans will not do." According to the Pew Hispanic Center, illegal aliens are less than 5% of our labor force. If every one of the illegal aliens in our country played hooky from his job, the overwhelming majority of those same types of jobs will be worked by millions of American citizens. All over the country, American citizens flip hamburgers in fast-food shops, wash dishes in restaurants, change sheets in hotels, mow lawns, trim shrubs, pick produce, drive taxis, replace roofs on houses, and do all kinds of construction work. Americans are quite willing to work unpleasant, menial, tiresome, and risky jobs, but not for Third World wages.

An employment service in Mobile, Alabama received an "urgent request" this year to fill 270 job openings from contractors who were hired to rebuild and clear areas of Alabama devastated by Hurricane Katrina. The agency immediately sent 70 laborers and construction workers to three job sites. After two weeks on the job, the men were fired by employers who told them "the Mexicans had arrived" and were willing to work for lower wages. The Americans had been promised $10 an hour, but the employers preferred Mexicans who would work for less. Employment agency manager Linda Swope told the *Washington Times*, "When they told the guys they would not be needed, they actually cried . . . and we cried with them. This is a shame."

Ms. Swope said that employment agencies throughout Alabama, Louisiana and Mississippi all face similar problems because an estimated 30,000 men from Mexico and Central and South America, many in crowded buses and trucks, came into those three states after Hurricane Katrina, willing to work for less than whatever was paid to American citizens.

Meanwhile, President Bush signed the Katrina Emergency Assistance Act extending for 13 weeks the unemployment benefits to Americans displaced by Katrina. Employers get the benefit of cheap foreign labor while you and I provide taxpayer handouts to the guys whom the government allows to be displaced from jobs they were eager to take.

There is no penalty on employers who replace Americans with illegal aliens at lower pay. Homeland Security even announced it has suspended the sanctioning of employers who hire illegal aliens, and President Bush suspended the Davis-Bacon Act, which requires local contractors to pay "prevailing" wages.

VI. WHY DOESN'T OUR GOVERNMENT GET IT?

It is self-evident that the Senate bill or any so-called "comprehensive" immigration bill will be a rerun of the 1986 Simpson-Mazzoli mistake. The American people are demanding border security **now** and **before** any discussion of other legislation. We don't understand why so many government officials just don't get it. We thank Chairman Sensenbrenner and the 88% of House Republicans who understand what America's priorities should be.

When President Bush visited Cancun, Mexico this spring, he met privately with the Mexican president and wealthy CEOs from both countries. He said the Cancun meeting celebrated the first anniversary of his signing the Security and Prosperity Partnership at the 2005 summit in Waco, Texas. Is the real push behind the "comprehensive" amnesty/guest-worker proposals the Bush goal to keep our borders open and lock us into the Security and Prosperity Partnership of North America?

Mr. HOSTETTLER. Thank you, Ms. Schlafly.

Dr. Camarota.

TESTIMONY OF STEVEN CAMAROTA, DIRECTOR OF RESEARCH, CENTER FOR IMMIGRATION STUDIES

Mr. CAMAROTA. Mr. Chairman and Members of the Subcommittee, thank you for offering me the opportunity to testify. My name is Steve Camarota. I am director of research at the Center for Immigration Studies, a nonprofit, nonpartisan research organization here in Washington.

As you all know, in April of this year, the Senate passed S. 2611. The bill legalizes an estimated 10 million illegal aliens, allows some 4.5 million of their family members currently abroad to immediately join them, and it dramatically increases the number of people who are allowed into the country on a legal basis in the future.

Now, most of the problems with S. 2611 actually closely parallel the mistakes of the 1986 amnesty. In my oral testimony, I will focus on four of the biggest problems with the legislation. The first key problem with the Senate plan is that its central feature is to legalize illegals and increase legal immigration. Yet we know that this does not solve the problem. In 1986, we legalized 2.7 million illegals, and legal immigration to this country has doubled since the mid-1980's, but we still have two-and-a-half times as many illegals as when IRCA was passed.

Particularly with regard to more legal immigration, it will only further spur more illegal immigration because the larger the pool of immigrants, legal or illegal, in the country, the greater the pool is for more illegal immigration. There is a whole sociological literature on this. It is often legal immigrants who provide the information about jobs and housing to their relatives and friends back home. Illegal aliens often live with legal immigrants. The bottom line is legal immigration has been increasing for more than three decades, and illegal immigration has been increasing right along with it.

The second problem with 2611 is it repeats the mistake of having the amnesty come before enforcement is actually implemented. Like in 1986, the illegals themselves, along with very powerful interest groups, will ensure that that amnesty does go through. But there is no corresponding set of interest groups pushing for enforcement.

While enforcement is in the broad national interest and the public certainly wants it, these are diffuse political forces and tradi-

tionally have not been enough to overcome pressure on both parties from those who don't want the law enforced, namely ethnic advocacy groups and elements of the business community. By putting amnesty first, S. 2611 is almost guaranteed to be a replay of IRCA.

Now, the third major mistake made by S. 2611 is it will not solve the problem of labor market competition between less-educated natives and illegal aliens. If illegal aliens are legalized and allowed to stay, the poorest and least-educated American workers will still face job competition from the former illegal aliens.

The primary reason illegal immigrants reduce wages or job opportunities for less-educated natives is not so much that they work for less, though that certainly can happen and does, the primary reason they harm less-educated natives is simply their presence in the country.

It is basic economics. If you increase the supply of something, in this case less-educated workers, you reduce its price, and the price of less-educated labor is the wages and benefits paid to such workers. Letting illegal aliens stay and increasing legal immigration through guest worker programs and so forth only makes sense if we think the poor in this country are overpaid.

Illegal aliens themselves may benefit from legalization, and that is true, but there is no evidence after the last amnesty that native-born Americans with little education, who face the job competition from illegals, saw an increase in their wages and benefits. The general trend since the mid-1980's is for such Americans with little education to do worse in the labor market, a trend that will continue if illegals are allowed to stay and we increase legal immigration further.

The fourth problem with the Senate plan is that, like IRCA, it doesn't deal with the fiscal costs of illegal immigration. Illegal aliens create a drain on public coffers mainly because they are overwhelmingly unskilled, not because they are illegal. At least 60 percent of illegals lack a high school degree, and another 20 percent have only a high school degree. Such persons pay relatively little in taxes regardless of legal status because they earn so little in the modern American economy.

The National Research Council has estimated that an immigrant who comes to the United States without a high school education will use $89,000 more in services than he pays in taxes in his lifetime. One who has only a high school education is a net fiscal drain in his lifetime of $31,000. My own research shows that if we legalized illegal aliens and they began to pay taxes and use services like legal immigrants with the same level of education, the costs of illegal immigration would roughly triple.

History does not have to repeat itself. Congress can pass sensible legislation that polices the border, goes after the employers who hire the illegal aliens. The bill the House passed in December goes a long way in this regard. The problem with illegal immigration can be solved, but not by repeating the mistakes of the past.

Thank you.

[The prepared statement of Mr. Camarota follows:]

PREPARED STATEMENT OF STEVEN A. CAMAROTA

In April of this year the Senate passed the most dramatic changes in US immigration law in the nation's history. Among other things, the bill legalizes an estimated 10 million illegal aliens, allows some 4.5 million of their family members abroad to immediately join them, and it dramatically increases the number of people allowed into the country legally. In this testimony I will point out some of the key problems with the Senate legislation. In many ways the fiscal, labor market, administrative, and other problems S2611 would create closely parallel the problems created by the last amnesty, which was passed in 1986.

AMNESTY MOCKS THE LAW ABIDING AND ENCOURAGES MORE ILLEGAL IMMIGRATION

S2611 is Very Much Like the IRCA Amnesty. The Senate plan is very much like the last amnesty passed as part of the Immigration Reform and Control Act (IRCA) passed by Congress in 1986. Any legislation that does not require those who break the law to abide by it, but instead suspends the normal penalty and in some way changes the law to accommodate the violator is an amnesty. An amnesty in the immigration system is any change that allows people who would otherwise be subject to deportation to stay in the country. The idea that S2611 is not amnesty because it does not give permanent residence to illegals immediately is silly. Normally, illegal aliens would be subject to deportation. If 2611 becomes law perhaps 10 million illegal immigrants would be allowed to stay and work in the United States, which is de facto permanent residence and then after a few years would get actual permanent residence and then citizenship.

Some have suggested that the concept of amnesty is based on the idea of forgiveness, and S2611 does not forgive illegals because they will have to pay a fine and met other requirements. But, the last amnesty for illegals in 1986, which was called an amnesty by everyone at that time, had similar requirements of undergoing a background check, paying a fine, and learning English. Moreover, consider the case of tax amnesties run by the states. Violators pay the taxes they owe plus interest, but the fines are waived. In that context, it's an amnesty because the fines and possible jail time are forgiven. In the Senate plan, illegals are not only being forgiven for being in the country illegally, they are being allowed to stay permanently if they choose. The existence of some penalty does not mean it is not an amnesty. The normal penalty of deportation is being waived. If simply paying a fine and meeting a few other requirements means it's not an amnesty, then IRCA was not an amnesty. In fact, no amnesty—whether for taxes, parking tickets or illegal immigration—exists because all involve some penalty.

Like IRCA, S2611 Mocks the Law Abiding. One of the reasons there is so much resistance to the Senate's amnesty, despite the backing of very powerful interest groups, is that it seems unfair to those who play by the rules. As in 1986, many observers have pointed out that when you reward law breaking, you make legal immigrants who have played by the rules, and in some cases have waited many years to come to our country, look like fools for taking America's law seriously. This is a terrible message to send, not only to legal immigrants, but anyone thinking about coming illegally. It is also a terrible message to send to those charged with enforcing our immigration law. It is very hard to make a case that the best way to restore the rule of law is to reward those who have broken it with one of the most prized things on earth—permanent residence and eventual US citizenship. Another amnesty will further erode the morale and effectiveness of the immigration bureaucracy and create even more contempt for the rule of law among all parties. Such a policy will very likely make illegal immigration worse not better.

Amnesties and Increased Legal Immigration Don't Solve Problem. The 1986 amnesty legalized 2.7 million illegals. Partly as a result of the amnesty and partly because Congress increased legal immigration in 1990, legal immigration has nearly doubled since the mid-1980s. But we have two-and-half-times as many illegals as when IRCA was passed. In effect, we've already tried the key provisions of S2611—amnesty plus increases in legal immigration. They simply don't work. Amnesty spurs more illegal immigration, as does increases in legal immigration. A 1997 report from the INS found that there was a surge of new illegal immigration when the 1986 amnesty went into effect. The increase seems to have been the result of family members joining their newly legalized relatives. According to the 1997 INS report the number of new illegal immigrants arriving increased by 44 percent be-

tween 1987 at the start of the legalizations and 1989 the height of the legalizations.[1]

One of the most controversial provisions in S2611 is the very large increase in legal immigration it creates. The larger the pool of immigrants (legal or illegal) in the United States, the greater is the pull for more illegal immigration. Illegal aliens often live with legal immigrants and it is legal immigrants who often provide information about jobs and housing to their relatives and friends back home. Legal immigration has been increasing for more than three decades, and illegal immigration has been increasing right along with it. The top sending countries for legal immigration are by and large the top sending countries for illegal immigration. A survey funded by the National Institute of Health found that one-third of new legal immigrants were former illegal aliens. Legal and illegal immigration are closely linked. The past shows that if you increase one you increase the other. The Senate bill repeats the mistake of thinking amnesty plus increases in legal immigration will solve the problem. It did not in the past and there is no reason to think it will this time around. Instead, S2611 will almost certainly stimulate more illegal immigration.

Like IRCA, S2611 Puts Amnesty First, Enforcement Second. The Senate bill also repeats a key mistake of having the amnesty come before enforcement is actually implemented. In the Senate plan, the amnesty is in no way connected to or contingent upon enforcement. If this approach is allowed, it seems almost certain that like the 1986 amnesty, illegals will get their legal status, but the relatively weak enforcement provisions in the Senate bill will be implemented slowly if at all. The illegals themselves along with very powerful interest groups will ensure that the amnesty is implemented. But there is no corresponding set of interest groups pushing for enforcement. While enforcement is in the broad national interest, and the public certainly wants it, these are deffuse political forces and have traditionally not been enough to overcome pressure from interest groups who don't want the law enforced, particularly the business community and ethnic advocacy groups. If we do decide to have an amnesty, it should only come after several years of across-the-board enforcement. Otherwise, S2611 will be little more than replay of IRCA, except on a larger sale.

THE SCALE OF S2611 DWARFS IRCA

The Amnesty Will Be Huge. In a detailed paper published in June, the Center for Immigration Studies estimated the number of people who would benefit from the amnesty provisions of S2611.[2] Based on the 1986 amnesty, we estimate that slightly over 70 percent (7.4 million) of the 10.2 million illegals eligible for the three amnesties in Hagel-Martinez will come forward and receive amnesty legitimately. That is, they will gain legal status allowing them to live and work in the United States and eventually apply for permanent residence and then citizenship. In addition to the 7.4 million expected to receive amnesty legitimately, we estimate that, as in 1986, there will be one fraudulent amnesty awarded for every three legitimate ones. This means that nearly 2.6 million additional illegals will legalize fraudulently, for a total of 9.9 million. The bill will also allow an estimated 4.5 million spouses and minor children living abroad to immediately join their newly legalized relatives, for a total of 14.4 million people who will benefit from the bill's amnesty provisions. This is an extraordinary level of immigration. Our assumption that the share of illegals who come forward will be similar to the share in 1986 may be too low because, unlike the last legalization, illegals now know that amnesties are real and not a ruse by the government to deport them. Moreover, because the border is now more difficult to cross illegally, legalization is a more attractive option.

Of the 14.4 million illegals and their family members who will receive amnesty, we estimate that 13.5 million will eventually become permanent residents, which means they can stay as along as they wish and apply for citizenship. The rest can be expected to die or return home before becoming permanent residents. The above estimates do not include the bill's very large increases in future legal immigration, which is expected to double or triple from one million a year under current law.

The more than 14 million amnesty beneficiaries is equal to all of the legal immigration that occurred between 1990 and 2005. It is equivalent to the population of 14 states combined.

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[1] *Annual Estimates of the Unauthorized Immigrant Population Residing in the United States and Components of Change: 1987 to 1997.* Robert Warren, Office of Policy and Planning U.S. Immigration and Naturalization Service.

[2] The entire report entitled, **Amnesty Under Hagel-Martinez: An Estimate for How Many Will Legalize If S2611 Becomes Law,** can be found at www.cis.org/articles/2006/back606.pdfhttp.

As in 1986, there has been almost no discussion in the Senate bill about these numbers. This is deeply troubling because the impact of immigration on American society is obviously at least partly dependent on the number of people allowed in. But the question of whether the nation can assimilate numbers this large is seldom if ever even asked. The impact on the nation's schools or its physical infrastructure also seems to have not been considered. Congress needs to consider these questions before undertaking a program with such enormous and broad ranging implications for American society.

S2611 IS ADMINISTRATIVELY UNWORKABLE

Fraud Is Common Now, with Amnesty It Will Mushroom. There is near consensus among those who work for or study the immigration bureaucracy that the system is already overwhelmed with its current workload. As a 2002 GAO report pointed out, "the goal of providing immigration benefits in a timely manner to those who are legally entitled to them may conflict with the goal of preserving the integrity of the legal immigration system."[3] Simply put, the system cannot handle all the applications for green cards, citizenship, asylum, and other forms of immigration "benefits" it currently has to process and still make sure that the law is followed and only those who are entitled the benefits get them. Fraud is still a huge problem at USCIS. A March 2006 GAO report found that the problem of fraud is an "ongoing and serious problem." A detailed analysis of just one visa category, the one for religious workers, found that one-third of applications were potentially fraudulent.[4] Given this reality, it is inconceivable that the system could hope to process all the amnesty applications and the large increases in legal immigration without there being fraud on an unprecedented scale.

Fraud Was a Huge Problem in IRCA Too. Because of the enormous problems at USCIS, we estimate that if the agency is asked to implement the S2611, that there will be the same ratio of legitimate to fraudulent legalizations as in 1986. This means we can expect 2.6 million illegal aliens to legalize and be put on a path to permanent residence and citizenship who do not qualify for it. As in 1986, fraud will include those who do not qualify because they entered after the cutoff dates or did not work in agricultural for the required period of time but still used the agricultural amnesty, or those who simply entered the country to get amnesty. It will also include others who may meet the residence requirement for legalization, but otherwise do not qualify because of prior bad acts. All these individuals can be expected to use deception, false documents, false identity, or other forms of fraud. And the overwhelmed bureaucracy can be expected to rubber stamp these applications.

This Time Fraud May Be Even Bigger. Our estimate of 2.6 million fraudulent legalizations may in fact be too low. With a much larger illegal population today than in 1986, the false document industry is much more developed now. Fraudulent applicants can be expected to tap into this trade in order to obtain the fake utility bills, rent receipts, pay stubs, affidavits and other false documents necessary to prove residence or work in agriculture. The very complex and difficult to verify requirements of Hagel-Martinez are also an invitation for fraud. The new amnesty is not only more complex than the 1986 amnesty, it is also much larger with four times as many potential applicants. As the workload mushrooms with amnesty, fraud will become even more difficult to detect and thus a more tempting option for those who are not eligible for legalization.

As in the Past National Security Will Be Endangered. The 1986 amnesty clearly facilitated terrorism. Mahmud Abouhalima, a leader of the 1993 Trade Center bombing, was legalized as a seasonal agricultural worker as part IRCA, even though he drove a cab in New York City. His application was approved because the system could little more than rubber stamp most applications, given the enormous workload the 1986 amnesty created. It was only after he was legalized that he was able to travel outside of the country, including several trips to the Afghanistan/Pakistan border, where he received the terrorist training he used in the bombing. Having an illegal alien terrorist in the country is certainly a bad situation, but having one with legal status is much worse because he can work at any job, easily open a bank account, travel to and from the country, receive government issued identification, and otherwise be able to operate in the United States more easily.

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[3] *Immigration and Benefit Fraud: Focused Approach Is Needed to Address Problems,* General Accounting Office January 2002. GAO-02-66. The entire report is available at http://www.gao.gov/new.items/d02600r.pdf

[4] *Immigration Benefits: Additional Controls and a Sanctions Strategy Could Enhance DHS's Ability to Control Benefit Fraud,* Government Accountability Office March 2006. GAO-06-259. The entire report is available at http://www.gao.gov/new.items/d06259.pdf

It is also worth noting that Mohammed Salameh, another conspirator in the 1993 World Trade Center bombing, applied for the same amnesty as Abouhalima and was denied. But, because then, as now, there is no mechanism in place to force people who are denied permanent residency to leave the country, he continued to live and work in the U.S. illegally and ultimately took part in the 1993 attack. Like IRCA, S2611 almost certainly will not hinder terrorists' activity, in fact it will probably make it easier for terrorist to operate. Given the bureaucratic realities, it is simply not reasonable to expect USCIS to weed out terrorists and criminals.

AMNESTY DOES NOT SOLVE LABOR MARKET OR FISCAL PROBLEMS

Amnesty Does Not Solve Problem of Job Competition. If illegals are legalized and are allowed to remain in the country, the poorest and least educated American workers would still face job competition from millions of former illegal aliens. The primary reason illegal immigrants reduce wages or job opportunities for less-educated native-born Americans or legal immigrants already here is not that they work for less, thought that certainly happens. The primary reason they create a problem for such Americans is simply their presence in the United States. It is basic economics: increase the supply of something, in this case less-educated workers, and you reduce its price. The price of less-skilled labor is the wages and benefit paid to such workers. Letting illegals stay only makes sense if you think the poor are overpaid. Yet wages have stagnated or declined for such workers, and the share holding a job has deteriorated significantly in recent years. There is some evidence that illegal did do better after being legalized, but there is no evidence that after the last amnesty native-born American with little education saw an increase in their wages and benefit. In fact, the general trends has been for less-educated Americans to do worse in the US labor market. By letting the illegals stay the oversupply of less-educated workers remain, so naturally less-educated natives continue to do poorly in the labor market.

The trend of less educated Americans doing poorly in the labor market has accelerated in recent years. Between 2000 and 2005 the share of natives (18 to 64) with only high school degree holding a job declined from 53 to 48 percent, and the share with only a high school degree and no additional schooling declined from 75 to 70 percent. How does letting in even more less-educated workers through the new H2C program in S2611 help this problem? There are 65 million native-born Americans between the ages of 18 and 64 who have no education beyond high school, 23 million of whom are either unemployed or not even in the labor market, which means they are not even looking for a job. These are precisely the kind of individuals who work in construction, food service and building cleaning and grounds maintenance occupations, which is where illegal are overwhelmingly concentrated. The vast majority of workers who do this kind of work are natives. Thus to suggest that Americans are not interested in such jobs is ridiculous. Allowing illegals as guest workers, green card holders or illegal aliens means lower wages and job opportunities for less-educated Americans. And as in 1986, unemployment, non-work, and wages of workers at the bottom of the job market show there is no shortage of less-educated workers. If there were, wages and employment should be rising fast, but that simply is not happening.[5]

Amnesty Does Not Solve Costs to Taxpayers. The Senate plan also does not solve one the other big problems associated with illegal immigrants—the cost to tax payers. Illegal aliens create significant costs for taxpayers mainly because they are unskilled, not because they are illegal. At least 60 percent lack a high school degree and another 20 percent have only a high education with no additional schooling. Such persons pay relatively little in taxes regardless of legal status because they earn so little in the modern American economy. Letting them stay means the costs stay. A Center for Immigration Studies report found that in just the first ten years after IRCA passed, the difference between the taxes the legalized illegals paid and the costs they created was a negative $79 billion borne by American taxpayers. The National Research Council in 1997 report entitled, **The New Americans,** estimated that the average immigrant without a high school diploma will use $89,000 more in services than he pays in taxes during his lifetime and an immigrant with only a high school degree will create a net fiscal drain of $31,000. My research indicates that if we legalized illegals and they began to pay taxes and use services like legal immigrants with the same level of education, the fiscal costs at just the federal level

[5] For a detailed discussion of labor market problems of less-educated Americans see *Dropping Out: Immigrant Entry and Native Exit From the Labor Market, 2000–2005* at http://www.cis.org/articles/2006/back206.pdf.

would triple from about $10 billion a year to nearly $30 billion.[6] Unskilled illegal aliens are costly, but unskilled legal immigrants, which is what the illegals would become, cost even more because they can more easily access social programs. If we legalize illegal aliens, the fiscal costs are guaranteed to explode. This is what happened with IRCA and it would surely happen again.

MOST AMERICANS DON'T WANT S2611

S2611 Defies Public Opinion. In a democratic republic, public policy should in general reflect the views of the people. But, S2611 clearly does not do that. Using neutral language a Zogby poll of likely voters conducted for the Center for Immigration Studies found that in general Americans want less not more immigration. Only 26 percent said immigrants were assimilating fine and that immigration should continue at current levels, compared to 67 percent who said immigration should be reduced so we can assimilate those already here.[7] But the Senate bill does precisely the opposite of what most Americans want. The Senate's plan would increase legal immigration from roughly 1 million a year to perhaps 2 million or even more. Yet only 2 percent of Americans in the same Zogby poll respond that they believe that current immigration is too low. This is very similar to what happened in the late 1980s with the IRCA amnesty and the large increases in legal immigration passed by Congress in 1990. The public wanted the law enforced and less legal immigration. At the behest of interest groups, Congress responded by legalizing illegal aliens and increasing legal immigration.

While the public may not keep track of the details of immigration policy, Americans generally know we have already tried amnesty and it has not worked. This is one reason the public is so cynical about immigration. Defenders of S2611 often argue that we have tried to enforce the law but we simply can not do it because we are not letting enough people legally. But when asked this very question by Zogby, 71 percent of Americans felt that enforcement had failed because our efforts had been "grossly inadequate," while only 19 percent felt we had made a "real effort" to enforce our laws and the reason we failed was because we are not letting in enough people legally. Most Americans also don't buy the argument that we are desperately short of less-skilled workers. When asked, 77 percent said there are plenty of Americans to fill low-wage jobs if employers pay more and treat workers better; just 15 percent said there are not enough Americans for such jobs. Finally, 73 percent of the public said they had little or no confidence in the ability of the government to screen these additional applicants to weed out terrorists and criminals that would result if S2611 became law.

Given deep public opposite to S2611, if it does become law, it can only make the American people more cynical and dissatisfied with our immigration system. Unfortunately, US immigration policy for many years now has been out of step with the desire of most Americans for less legal immigration and greater efforts to enforce immigration laws. The Senate's plan, like most changes in immigration law in the last four decades, would continue that trend with the same result—growing public anger.

CONCLUSION

It is often said that history repeats itself. If S2611 become law, that will certainly be true. We would again make the mistake of thinking that amnesty for illegals and increased legal immigration will solve the problem. It didn't in 1986 and 1990 and it almost certainly will not do so now. Legal immigration has almost doubled since the mid-1980s, but illegal immigration has increased right allow with it. In fact, rewarding illegal behavior and increasing legal immigration, as is the past, will only spur more illegal immigration. Like the 1986 amnesty, the immigration service will not be able to handle the crush of work, with the result that there will again be massive fraud. Only this time, because the amnesty is so much larger, fraud will be larger, making it all the more likely that terrorists and criminals will receive amnesty. Moreover, S2611 will not solve the problem of job competition for less-educated or the fiscal burden on taxpayers because illegals will be allowed to stay. Finally, because S2611 is so out of step with public opinion, if it were ever implemented, it would only add to the frustration and dissatisfaction of the American people. Of course, history does not have to repeat itself. Congress can pass sensible legislation that enforces the law and responds to concerns of the American people.

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[6] See *The High Cost of Cheap Labor: Illegal Immigration and the Federal Budget* at http://www.cis.org/articles/2004/fiscal.html.

[7] To see the result of the Zogby poll from April of this year, including question wording, go to www.cis.org/articles/2006/2006poll.html.

Mr. HOSTETTLER. Thank you, Dr. Camarota.
Dr. Edwards.

TESTIMONY OF JAMES EDWARDS, JR., ADJUNCT FELLOW, HUDSON INSTITUTE

Mr. EDWARDS. Mr. Chairman and Members of the Subcommittee, thank you for inviting me to be here today.

The Senate bill would in fact repeat the errors of the past and have the same harmful consequences, only worse. I will talk today about two things: the 1986 amnesty and its similarities in the Senate bill, and the connection between legal and illegal immigration.

First, in 1986 IRCA passed, and now we see resurrected IRCA in the Senate bill. The IRCA included border enforcement and IRCA authorized more border patrol and grounds for deportation.

Number two, employer sanctions. IRCA made it unlawful to knowingly hire illegal aliens and it established the I-9 system.

Three, mass legalization. There were three classes of illegal aliens who were dealt with according to their length of illegal residency here. Those here since 1972 or before 1972 got immediate amnesty. Those here from 1982 forward, or by 1982, had to pay a nominal fee for a temporary visa, then they could get a green card after 1½ years, and they had to take minimal English and civics classes.

There were special agriculture workers, or SAWs, who claimed at least 90 days of farm work in 1986, or in the previous 3 years. They could become LPRs if they paid the nominal fee.

The Senate amnesty resembles IRCA in these ways. S. 2611 has fig-leaf border enforcement and employer sanctions. Like IRCA, it is long on promises and full of policy booby-traps to ensure its failure.

S. 2611 is even worse than IRCA, with its mega-increases in legal immigration levels that will overwhelm America, break the treasury, flood the immigration bureaucracy, and ensure chain migration that doubles or triples immigration levels for the next two decades. It's guest worker—program is mainly for laundering the status of millions of illegals.

S. 2611 has at least five amnesties in it: one, illegal aliens in the U.S. for at least 5 years get an instant green card; two, illegal aliens here for 2 to 5 years get amnesty on the installment plan, in three steps. Oh, and plus a 2-year tax amnesty. I would like one. Three, an Agjobs amnesty. Four, a DREAM Act amnesty. Five, one for certain asylum claimants. Oh, and the big one, the mass amnesty of the illegitimate employers who have been hiring these illegals.

With IRCA, the employer sanctions and border enforcement legs, quote-unquote, failed because they were poorly or inadequately designed, not at all or poorly implemented, underfunded, and undermined from the start by political pressure. Only the amnesty, quote-unquote, worked.

Three million people were legalized, and IRCA thus spurred massive illegal immigration and chain migration. IRCA, especially the SAW amnesty, was fraud-ridden. Rubber-stamping became the rule. INS approved over 94 percent of amnesty applications and over 93 percent of SAW applications.

Second, legal and illegal immigration are two sides of the same coin. As legal immigration has risen, so has illegal immigration. Since IRCA, an illegal population of 2 million in 1988 has become 10 million in 2005. Illegal aliens made 21 percent of the foreign-born in 1980. Today, it is 28 percent.

The top source countries of the legal immigrants tend to be the top source countries of illegal aliens. Mexico is the largest source country of both legal and illegal aliens, with Mexicans as 30 percent of the foreign-born. Over half of Mexicans in the U.S. are illegal aliens.

If legal immigration rose as S. 2611 proposes, illegal immigration would spike as well. Chain migration, the ability to sponsor distant family members, leads to a third of LPRs first living here illegally from 5 to 8 years before their green cards come through. Two-thirds of Mexican LPRs first lived here unlawfully. The visa preference system over-promises and sets unrealistic expectations. The reality for most is backlogs and waiting lists.

In conclusion, the lessons from the IRCA disaster show that the Senate amnesty would repeat this history. H.R. 4437 comparatively is much more sensible.

Thank you.

[The prepared statement of Mr. Edwards follows:]

PREPARED STATEMENT OF JAMES R. EDWARDS, JR.

Mr. Chairman and members of the subcommittee, thank you for inviting me to testify today regarding the mass amnesty in the Senate bill, S. 2611.

Comparing the experience of 1986's supposed "one-time only" legalization with the Senate-passed amnesty and its likely consequences should lead dispassionate observers to conclude that S. 2611 would repeat past errors—only now, we should have learned better. The Senate amnesty would condemn the United States to the same harmful consequences that IRCA caused. Only now, its effects would be far, far worse.

Because spokesmen from the current administration and other advocates of out-of-control immigration perform all kinds of linguistic gymnastics and semantic magic tricks to deny that amnesty proposals such as the Reid-Kennedy-McCain-Hagel amnesty are amnesties, allow me to offer a common-sense, conventional definition of "amnesty." Amnesty is the government forgiving all people or certain classes of people for certain unlawful acts they are guilty of. Black's Law Dictionary explicitly cites the 1986 IRCA as an example of amnesty. And by a normal person's reasonable judgment, the legalization provisions in S. 2611 and similar arrangements in other legislation can only be described as amnesty. That is so even with various conditions placed on the illegal aliens who would benefit, because most amnesties apply certain conditions for amnesty.

As a rule, amnesties should be employed sparingly and carefully. They indeed do affront the rule of law because amnesty is an act whereby the civil government overlooks lawbreaking. Amnesty in effect rewards lawbreakers for their lawbreaking. Amnesty lets off certain lawbreakers.

While individuals should forgive others their debts on the personal level, the principle doesn't carry over well to the government level. The job of the government is to uphold the law. That is how order is maintained in civil society. If amnesty is liberally or frequently or imprudently applied, then it undermines the principles of ordered liberty the Founders sought to embed in our system of government. In the immigration context, granting illegal aliens amnesty diminishes the honorable conduct of the many legal immigrants who abided by the law and persisted through the daunting process; amnesty of illegal aliens rewards their dishonorable, disorderly, lawless conduct in a highly public manner that effectively insults legal immigrants.

Today, I will focus my remarks on two areas: the 1986 IRCA amnesty and its similarities in S. 2611, and the connections between legal and illegal immigration.

IRCA, ITS MANY FLAWS, AND THE THREAT OF A REPEAT

In 1986, Congress struck a "grand bargain" on immigration—the Immigration Reform and Control Act, or IRCA. The keys to locking the "back door" to illegal immigration were supposed to be securing the border and demagnetizing the "jobs magnet:" employer sanctions.

The elements of IRCA are resurrected in the Senate bill. IRCA included:

- *Border enforcement:* IRCA authorized more Border Patrol and deportations (but ended warrantless INS farm sweeps).
- *Employer sanctions:* IRCA made it unlawful to "knowingly" hire illegal aliens; it established the visual-check, ID-based I-9 system (and also set up a regime to dissuade conscientious employers).
- *Mass legalization:* Three classes of illegal aliens were dealt with according to length of unlawful U.S. residency. Those here by 1972 got immediate amnesty of Lawful Permanent Residence. Those here since 1982 had to pay a nominal fee for a temporary visa, then could get a Green Card after a year and a half if they had minimal knowledge of English and U.S. civics. Special agricultural workers, or SAWs, claimed at least 90 days' farm work in 1986 or the previous three years to get amnesty; they became LPRs if they paid the nominal fee, the timing depending on their claimed farm work.

We observed in The Congressional Politics of Immigration Reform about IRCA's eventual consequences: "At the time, few . . . accurately forecast the enormous demand that would be stimulated by the legalization program. . . . Amnesty ultimately drove annual legal immigration levels to their peak in the 1980s, dramatically distorted historical immigration patterns, and contributed to the groundswell of opposition to legal and illegal immigration in the 1990s."

The contours of the Senate amnesty bill resemble IRCA's. S. 2611, which would supposedly boost border enforcement and employer sanctions, mixes this sugar with the amnesty poison (though Reid-Kennedy includes many poison pills in the "enforcement" and "sanctions" sections that will guarantee the failure of those provisions, such as tying local law enforcement's hands and requiring federal, state, and local governments effectively to get Mexico's permission before taking any enforcement measures).

S. 2611, like IRCA, is long on promises, chock full of policy booby traps to ensure failure, and will be short on results other than a flood of foreign-born. S. 2611 is even worse than IRCA in that it includes mega-increases in legal immigration levels that will overwhelm America, break the treasury, flood the immigration bureaucracy, and ensure "chain migration" that doubles or triples immigration levels for the next two decades. Its "guestworker" program is nothing more than a means to launder the status of millions of foreign lawbreakers. There is nothing temporary about their "guest" status; they are assuredly here to stay, because "guestworkers" may bring their families with them for the duration of their H-2C visas and status adjustment (many having been present already).

NumbersUSA's Rosemary Jenks has calculated that S. 2611 contains at least five amnesties. One, illegal aliens in the U.S. for at least five years get an instant Green Card. Two, illegal aliens present for two to five years get amnesty on the installment plan—three steps (plus a two-year tax amnesty). Three, there is an AGJOBS-type, two-step amnesty for those who purport to be part-time farm workers (alleging 21.6 weeks of work over two years). Four, a DREAM Act-type amnesty legalizes those claiming to have been here five years and to have entered illegally while under age 16. Five, those claiming to be a persecuted religious minority with an asylum claim pending on May 1, 2003, get immediate amnesty. And then there is mass amnesty for the illegitimate employers who hired these illegal aliens, privatized the benefits, and socialized their costs.

The employer sanctions and border enforcement legs of IRCA "failed"—which is to say, they were poorly or inadequately designed, not at all or poorly implemented, and were undermined by political pressure from the beginning. Only the amnesty "worked." That is, a lot of foreign lawbreakers got full amnesty. And IRCA spurred massive illegal immigration and "chain migration."

In 1980, there were an estimated 3 million illegal aliens in the United States. By IRCA, after six years of dangling the amnesty carrot as Congress debated, we had 5 million illegal aliens. IRCA legalized 3 million: 65,000 had been here since 1972; 1.6 million had been here since 1982; 1.1 million were SAWs. Some 2 million were Mexicans. IRCA imposed the equivalent of processing five years' worth of immigrants in just a couple of years (legal immigration in the 1980s ran about 700,000 a year).

IRCA, especially the SAW amnesty, was fraud-ridden. The INS estimated that there were 400,000 SAWs nationwide; 1.1 million were legalized. California was said to have fewer than 100,000 illegal SAWs, but 700,000 applied from that state alone. Most SAW applications were approved, despite suspicion of widespread fraud.

Rubber-stamping became the rule. Scrutiny and due diligence were out the door, as "INS essentially threw up its hands and decided not to spend the time and energy needed to sort out the fraudulent SAW applications," former Labor Department official David North said. INS approved 94.4 percent of regular amnesty applications and 93.5 percent of SAW applications.

IRCA fraud and amnesty benefited the Islamofascist cause. Mahmud Abouhalima, an Egyptian illegal alien, obtained amnesty as a SAW. This New York cab driver, who never worked on a farm, used his legalization to travel to Afghanistan for terrorist training. He was part of the first World Trade Center bombing plot. Given the internal corruption, mismanagement, and abuse within the Bureau of Citizenship and Immigration Services that has recently come to light by patriotic whistleblowers, the prospects of criminals and terrorists getting legalized is even more likely today.

Amnesty, premised on and promised as a once-only thing, encouraged and facilitated more illegal immigration. The 2 million residual illegal alien population of 1988 grew to 3.5 million in 1990—4 million in 1992—5 million in 1996 (i.e., replenished in a decade)—7 million in 2000—about 10 million in 2005.

Amnesty begat amnesty. IRCA was the first immigration amnesty in this nation, and now we have had seven since 1986. These include the "rolling amnesty" of Section 245(i) in 1994, 1997, and 2000 (responsible for legalizing at least 1.5 million illegal aliens), the 1997 Central American-specific amnesty (NACARA, legalizing about one million), the 1998 Haitian-specific amnesty (of 125,000 illegal aliens), and the 2000 amnesty of illegal aliens claiming they deserved legalization under IRCA (benefiting about 400,000 illegal aliens).

THE UGLY TRUTH OF THE LEGAL-ILLEGAL CONNECTION

An underlying premise of the Hesburgh Commission's recommendations, of IRCA, and of many Senators today is if you increase legal immigration, you'll reduce illegal immigration. But, in fact, legal and illegal immigration are two sides of the same coin. If legal immigration rose as S. 2611 proposes, illegal immigration would spike, too.

As legal immigration has risen markedly since 1965, illegal immigration has risen with it. Illegal aliens comprised 21 percent of the foreign-born population in 1980. Today, they're 28 percent. The top source countries of legal immigrants tend to be the top source countries of illegal aliens—Mexico, El Salvador, China, Dominican Republic, the Philippines. This is no coincidence.

Mexico is the largest source of both legal and illegal aliens. In 2000, Mexicans were 30 percent of the foreign-born. Over half of Mexicans in the U.S. were illegal aliens. Mexicans make up three times the proportion of the next three source countries combined: China, the Philippines, India.

Because of "chain migration"—the ability of an initial immigrant to sponsor distant family members for immigrant visas (e.g., adult siblings, adult married children), "new" immigrants aren't always new. The New Immigrant Survey unveiled that a third of LPRs had lived here illegally—for 5 to 8 years—before their Green Card came through. Two-thirds of Mexicans had first lived here unlawfully. This survey also found that the tourist visa is the most abused temporary visa by one-time-illegal, now-legal immigrants.

The existence of "chain migration" visa categories far beyond the reunification of spouses and of parents with their minor children, as well as full eligibility, to date, of amnestied aliens to naturalize and to sponsor additional immigrants, has swelled the numbers of immigrants (legal and illegal). Amnesties have exacerbated this exorbitant wave. These same phenomena have given would-be immigrants unrealistic expectations and an "entitlement mentality" toward immigration. Yet the reality, depending on country of origin and visa sought, is backlogs and waiting lists. These necessary delays, plus opportunities to plant roots via "anchor babies," INA and process loopholes, and visa abuse, increase the ties of this integral connection where high legal immigration fosters high illegal immigration.

In conclusion, what are the lessons we should draw from IRCA and from a realistic view of immigration?

We need to pursue *enforcement first*. Our strategy should be *attrition* through systematic, faithful, routinized enforcement. We need a border fence, vastly expanded expedited removal, meaningful, rigorous employer sanctions starting with the worst offenders, mandatory electronic employment verification of all workers, and empow-

ering state and local law enforcement with the federal cooperation they need. We must *cut legal immigration* to more manageable levels. We should eliminate the "chain migration" categories of extended family and the visa lottery. Family or employer sponsors should bear greater responsibility for the immigrants they bring in—health insurance, life and disability insurance, for instance.

Given the IRCA disaster, the Reid-Kennedy amnesty is out of touch with reality and lacks common sense. By contrast, H.R. 4437 takes a far more sensible approach.

Mr. HOSTETTLER. Thank you, Dr. Edwards.

The Subcommittee will now turn to a round of questions.

Dr. Edwards, let me ask you, which bill, the House bill or the Senate bill, which of those is more in keeping with the sentiments, the recommendations of the 1981 Commission on Immigration Reform that I mentioned earlier, with regard to enforcement and legalization?

Mr. EDWARDS. Probably the House bill because the Hesburgh commission recommended legalization, yes, but it did so as a means of sort of mopping up. It said, first, you have to secure the borders and you have to have employer sanctions. That has to be worked out and in force, and then after that is done, then see what is left of the then 3 million or so illegal aliens, and have a way to legalize their status. So it was viewed as there is the enforcement side first, and then only after that is fully ensconced would you go the other route.

Mr. HOSTETTLER. So as you understand the House approach, the House approach does not disclose at a future time reexamination of the immigration issue.

Mr. EDWARDS. Correct. I think you would have to say in the back of your mind there is going to be some residual illegal population, and that at some later time, 10 years or so down the road, then you would say, okay, if we have gotten employer sanctions, and the point that Mr. Berman made precisely, the employer verification, employment verification system fully enacted, then you can say, and all the enforcement aspects of 4437, then you would say, okay, now we have a smaller problem.

But all of this has to be premised, as the House bill is, on attrition. You have to drive down the incentive, reverse the incentive for in-flow. You have to drive down the incentive to stay here unlawfully and make it more attractive to leave.

Mr. HOSTETTLER. Very good.

Mrs. Schlafly, if the "comprehensive" approach of the Senate is taken, do you believe that we will enforce vigorously the law and then allow for the mop up that was suggested in the Hesburgh commission?

Mrs. SCHLAFLY. Mr. Chairman, no, I don't believe it. I think "comprehensive" has become a word that is as negative as "amnesty" because it is really a code word for packaging it all together. And like Simpson-Mazzoli, we believe that we will get the amnesty and the guest worker, but we do not believe that border security will be enforced. I am not sure that we see that there is any will to enforce it.

This is why I think the public officials who urge comprehensive just don't have any credibility. The American people think we are being lied to. We have been down that trail before.

Mr. HOSTETTLER. Dr. Camarota, the notion of employer sanctions being vigorously enforced after comprehensive reform is put in place, employer sanctions are already in place, are they not?

Mr. CAMAROTA. Yes, obviously you have a regime in place, but it is not funded. It is not enforced. As one of the Members correctly pointed out, only three employers were fined in 2004 for hiring illegals.

Mr. HOSTETTLER. So going back to the issue of integrity, does it seem to you that with the comprehensive reform and the experience that we had in 1986, that there is going to be, if it is on the books today, if it is illegal today, what makes it more illegal after the comprehensive reform in the Senate is put in place?

Mr. CAMAROTA. I think that is an excellent question. The bottom line is it is incumbent among people who want to grant amnesty or legalize, whatever term you like, to people here illegally, to first demonstrate, Republicans and Democrats who want that, to first demonstrate they are serious about enforcement. Until they do that, we should not take them seriously because the past has shown both parties have just not been willing to enforce the law.

Mr. HOSTETTLER. And then finally, Dr. Camarota, in terms of the workforce, and you mentioned this briefly, what American citizen workers are most vulnerable if we drastically increase the number of immigrants to the U.S., especially under the Senate provision?

Mr. CAMAROTA. Phyllis mentioned one group. There are about 16 million native-born Americans 18 to 64 who don't have a high school degree. They face a lot of job competition. There are several more legal immigrants in the United States, about 3 or 4 million, who don't have a high school education, who face the competition. And then there is also a lot of young natives.

One of the most troubling trends in the U.S. labor market that has been going on for the last 7 or 8 years is the decline in the number of young, men in particular but also women, who only have a high school degree, but they are in their 20's. Those people are leaving the labor force in droves. They don't seem to be attending school.

So that is the other group, high school dropouts and young natives with only a high school degree. It has been happening for all racial groups. Native-born Americans who don't have a lot of education who are young, are really taking it on the chin.

That is very strong prima facie evidence that there is no shortage. Their wages are down. If their wages weren't down, if their employment wasn't down, then you might have a case that there is a shortage, we desperately need lots of unskilled workers. But all the available evidence suggests that they are taking it on the chin in the labor market. So to flood the unskilled labor market simply represents a kind of callous disregard for Americans at the bottom end of the labor market.

Mr. HOSTETTLER. Thank you.

The chair recognizes the gentlelady from Texas for 5 minutes for questions.

Ms. JACKSON LEE. I thank the Chairman very much.

Dr. Camarota, I may agree with you that the Republicans have not had the will, and to some extent as you have mentioned, it has been bipartisan in enforcement. I would argue that we could com-

pare rather credibly the dollars spent on enforcement under the Clinton administration and the lack of dollars spent on enforcement under this present Administration.

What I would say to you, however, is what my colleagues have said over and over again, that is why we need to be in conference, taking the expertise that you have offered and some of our other witnesses, and you know you have been before this Committee, and really seriously address some of these concerns.

I want to say to my colleagues, and certainly to the witnesses, the Senate bill has an employer verification program. It is a pilot program. Maybe in conference it could be strengthened, but they were wise enough to include that.

Might I just quickly read into the record so that we can disabuse ourselves of the terminology "amnesty" and realize that there are 10 provisions that the Senate bill has in terms of those who would seek some sort of status. I might remind my colleagues as well in order to secure America, you must know who is there. They must qualify and pay over $3,000 in fines. They must pay their taxes. They must learn English, history and Government of the U.S. They must undergo criminal and security screens.

They must get a medical examination. They must register with the military Selective Service. They must establish or continue presence in the United States. They must provide evidence of past employment in the U.S. They must earn legal status by continuing to work for at least 6 years. They must go back to the line. That, in my definition, is paying a price.

Let me also cite some of the organizations that want comprehensive immigration reform. I think many of these are friends of our leadership, the U.S. Chamber of Commerce, U.S. Conference of Catholic Bishops, certainly the National Council of La Raza, Asian American Justice Center, and Service Employers International Union who represent a cross-section of America. I might say, the numbers say that Americans want comprehensive immigration reform.

Before I ask a question, I do think these points are important to note because my good friend has returned who offered to indict some of the statements made by those of us on this side of the aisle. I welcome the evidence of members of their history of immigrant past, but I would take issue to suggest that immigrants today don't work hard, that we are going to compare them with immigrants of the past and suggest that immigrants from Poland, immigrants from Haiti, immigrants from Costa Rica, immigrants from El Salvador, immigrants from England who come today do not work hard, and that immigrants who may be undocumented don't work hard. I hope that my colleague would clarify such an indicting, inappropriate and unfortunate statement.

I would also suggest that there are many of us who are more than multi-tasked. We are sympathetic. And when 25,000 Americans can't get out of Lebanon from the most powerful nation in the world, I think that is a priority issue, and Mr. Reyes, I would prefer you being at the intelligence hearing so that you could address the crisis that is going on right now, because frankly the families of my constituents who are over in Lebanon are wondering why America, why France has a ship and why someone else has a ship

and we don't. So I hope that we can multi-task, but I hope we can save lives.

And lastly before I ask a question, isn't it interesting that we talk about the dumbing-down of wages. I think that is an important point. Since 1997, we haven't been able to get this Republican Congress after George Bush took over and President Clinton, of course, if out of office, to raise the minimum wage. We have been trying to get an amendment on the floor of the House every single week, and we have been denied the right to raise the minimum wage, which is in fact the lowest in 50 years.

So, Mr. Reyes, could you give me a sense in your 25 years, but now being in this Congress, how often you have put before this Congress the need for increasing the resources for border security officers, training, civil service changes, and giving them the power bolts, the goggles? How many times we have gone to the border with you and others?

We were just back at the border just recently on a hearing, that we have not given them the resources to deal with this situation that would require and give to the American people the comfort.

And does the Senate bill lead us in that direction by giving us comprehensive immigration reform that is both benefit, but more importantly, border security?

Mr. REYES. I thank my colleague for the question.

First of all, it is extremely frustrating when the title of the hearing is "Repeating the Mistakes of the Past." We continue to repeat the mistakes. There are countless times where I have offered amendments.

I have offered a motion to substitute on making a stronger effort at border enforcement. Again, post-9/11, the things that we haven't done are unconscionable. It is no wonder that the American people don't believe Congress. It is no wonder that the president's rating, as low as they have been, our ratings are much lower.

We do a lot of talking, but we do very little in terms of action. We don't fund not only the border patrol, but we don't fund the marshal service. We don't fund assistant U.S. attorneys. We have agencies whose vehicles are in excess of 140,000 miles. What we ought to be doing is being, as a number of you have stated, we ought to be in conference. We ought to be working on those issues. It ought to be comprehensive.

"Comprehensive" doesn't have to be a dirty word. "Comprehensive" means having a strategy, having the long-term vision and the commitment that we are going to right all these things that affect our national security. That means border security. That means the legal system. That means identifying those people that are here already. Only then will we be able to sort through and find out who is here and for what purposes and who can be harmful to this country.

We have a lot of work to do, and we are wasting time with hearings like this, in my opinion. We are wasting time with hearings like this. I hope, if nothing else comes out of these hearings, maybe it is an unintended consequence, but the American people are going to pay attention, sit up and say, yes, that is right; we haven't been doing a good job. And by the way, who has been in charge and who

has had the agenda and why are we less secure today than we were pre-9/11?

I think we all have a role to play.

Mr. HOSTETTLER. The gentlelady's time has expired.

Ms. JACKSON LEE. An additional 15 seconds, Mr. Chairman, I ask unanimous consent.

Mr. HOSTETTLER. Fifteen seconds. The chair will recognize the gentlelady for 15 seconds.

Ms. JACKSON LEE. Thank you, Mr. Chairman.

Mr. HOSTETTLER. As the chair will add to the record, we appreciate the gentleman from Texas's testimony today. The gentleman from Texas was a witness that was called by the minority, and we would not have imposed upon the gentleman's time had we known the importance of the hearings and the lack of the gentleman's belief in the importance of this hearing.

So I would simply add to the record that the gentlelady from Texas called the gentleman from Texas, as we are welcome and we applaud and appreciate the gentleman's testimony, but we would just like to add for the record that, well, many of us believe that these hearings are not a waste of time; that with those with the opinion that they are a waste of time, schedules probably should have been better coordinated, given those opinions.

So the gentlelady is recognized for 15 seconds.

Ms. JACKSON LEE. Thank you.

With that, Mr. Chairman, I am grateful for the sacrifice Representative Reyes has now made, recognizing that the minority cannot control schedules.

I just want to say that it is reported that, and generally agreed that 50 to 60 percent of illegal immigrants nationwide work for employers who withhold income taxes, Social Security and Medicare payments. So I hope that we realize that we need to go to conference so we can address these concerns, rather than throwing stones into the darkness.

I yield back. Thank you.

Mr. HOSTETTLER. The chair recognizes the gentleman from Texas for 5 minutes for questions.

Mr. GOHMERT. Thank you, Mr. Chairman.

First, my colleague from Texas said I had indicting statements, so I sure need to clarify. No, I don't need to clarify, but I sure need to address it. I do not apologize for the fact that my great-grandfather came, worked his tail off, learned English and lived the American dream. I will not apologize for that.

I never have said immigrants today don't work as hard, because that plays right into the other issue that was raised by my colleague about the minimum wage. I talk to my friends back in east Texas and they tell me that the immigrants they have working for them, they are far too good and far too hard a workers to pay them the minimum wage. Some of them are making about $20 an hour. They are the hardest working, most wonderful workers, I have been told by some friends in Henderson and Tyler and Longview and around there. Those are good folks.

So to say that I am out here saying immigrants don't work hard today sure misses the boat. We need immigration. We need it legal. We do need to reform the immigration services, all of them. But

again, I come back, you know, for this to have been a mock hearing, there sure is a lot being said at this hearing. If it were a mock hearing, I would think that we would say a lot less than we are saying. So apparently it is not as mock as originally thought.

Ms. JACKSON LEE. Will the gentleman yield?

Mr. GOHMERT. Well, you took your shots at me without yielding to me, so I will let you take your shots.

Ms. JACKSON LEE. I didn't hear you ask to be yielded to.

Mr. GOHMERT. I do not yield. I do not yield. When you indict me, then I will respond and not yield so I can be indicted some more.

Now, listen, Representative Reyes, you have been a champion. I have only been here 1½ years. You have been fighting this battle, and it is something that I mentioned to the president before, that some people think this is a partisan issue, and yet we have heard from every sheriff come up here and testify, more than once, from the border counties of Texas. They are Republican, but there are at least as many Democrats, I would think, and they are begging for help.

Some say that it is a racial issue, and yet we have had as many Hispanics from the border counties come forward and say, we need help. So I am embarrassed that we have not done more. I am for using all the resources we have, and I appreciate your efforts that you have been battling for longer than I have been here, back when I was a judge, trying to deal with efforts from a judicial standpoint.

I know you have given your statement. You have made it in writing. But in trying to keep this from being too partisan and taking shots in areas where I disagree with my president anyway, but what do you see that we can do immediately, quickly, and best to help the sheriffs on the border, just in a nutshell?

Mr. REYES. Well, first of all, thank you for raising that issue, because I think it is vitally important.

When there is a void in terms of enforcement or anything else, somebody is willing to jump in and fill that void. However, when we are talking, and remember I represent a border district. I enforced Federal immigration law for 26½ years.

I can tell you unequivocally that money is better spent on the professionals that have that responsibility, which is the United States Border Patrol. The Sheriff's Coalition has been up here, and believe me, I sympathize in the fact that they need money. Around the country, everybody needs money. If you will survey the U.S. marshals, they need positions and they need money for vehicles and for infrastructure support. The U.S. attorneys, everybody needs money and everybody should be supported. The reality is we have to prioritize.

That is why I think it is important that we do so, but in prioritizing that we remember that it is never an easy fix to try to give enforcement of immigration that authority to the sheriffs or the police departments. We recently in my district had a number of issues where the sheriffs department was setting up roadblocks, and one of the questions they were asking dealt with immigration. They do not have that authority.

We also heard a number of complaints, both in my office and through some of the news media, that people were refusing to call the sheriffs department when they were victims of crime because

they were afraid that they were going to be hassled about their immigration status.

As we work our way through this process, it is vitally important that we understand what the priorities are, and that we don't make decisions that maybe sound good on the face at the time we are making it, but have long-term consequences and implications to the people that we represent, all the people that we represent.

Mr. HOSTETTLER. The gentleman's time has expired.

Mr. GOHMERT. Thank you, Mr. Chairman.

Mr. HOSTETTLER. The chair recognizes the gentlelady from California, Ms. Lofgren, for 5 minutes of questions.

Ms. LOFGREN. Thank you, Mr. Chairman.

Congressman Reyes, I really appreciate, I know we all have multiple things to do, but your Committee assignments are very serious ones, obviously, and that you would take time away from those serious assignments to be here with us is very meaningful, and I appreciate it.

I think, really, as has been mentioned on both sides of the aisle, we are fortunate to have someone with your background and your expertise as one of our colleagues, as someone we can turn to for the straight scoop on what is going on.

So some of the questions I have really have to do with resources. In May of last year, we had a vote, the proposal the Democrats made was to have an additional $41 billion to secure the nation from terrorist threats, $6.9 billion more than the president had authorized. It included $28.4 billion for border and transportation security and immigration processing. All of the Republican Members of this Subcommittee voted against those resources.

On May 5 of last year, we had another proposal to add 550 additional border patrol agents and 200 additional immigration inspectors in unmanned border aerial patrol vehicles. Again, it was shot down on a partisan vote. We also had efforts to provide additional detention beds.

Based not on your experience as a congressman, but your vast experience in the border patrol, would these resources have assisted us in getting a better control of our border situation?

Mr. REYES. Well, absolutely. I don't have the citations that you just read, so I am going based on memory. I do everything I can to get additional resources at different points in legislation by talking to my colleagues on both sides of the aisle. In fact, when we tried to increase resources for border security, I try to get bipartisan support from both sides of the aisle because it is so critical.

Anytime that we are able to increase resources to go and assist the border patrol, to assist the U.S. Attorney's office, additional judges, the U.S. Marshals, it is all vital. I will tell you, it is critical at this point in our history, having had the experience almost 5 years ago of 9/11.

Ms. LOFGREN. I am the Ranking Member of the Intelligence Subcommittee on Homeland Security, and Sunday and yesterday the Chairman and I, along with two Members, one from each side of the aisle, went to Canada and visited with the Canadian security individuals, as well as their border folks and immigration folks. It was an interesting meeting.

We were just in Toronto and so I didn't have the opportunity to tour, obviously, the 5,000-mile border. But we are aware that since these are post positions, about 200 American border patrol agents are on the 5,000-mile Canadian border at any given time. There was a lot of focus on the southern border, but in your judgment, is 200 agents on a 5,000-mile border sufficient?

Mr. REYES. The Canadian border is grossly understaffed. There are not quite 1,000 border patrol agents assigned there, which means that since the border patrol covers 24 hours a day, 7 days a week, 52 weeks a year, it averages between 200 to 300 per shift, depending on the number of agents that are available, grossly understaffed. We need additional border patrol agents. We need technology, infrastructure support.

The list is long, and that is why anytime we get an opportunity to increase resources for border security, we ought to take that seriously.

Ms. LOFGREN. I just want to make one final comment, because it has to do with resources. I mentioned in my opening statement that the House-passed bill would make 11 million new individuals felons, and in fact that there was a motion made by the Chairman, who was the author of the felony provision who defended in the Rules Committee to change the felony to a misdemeanor. That failed because a majority of the House either thought it should remain felony or that it should remain a civil offense, instead of a criminal offense.

I raise that issue not to argue whether the civil offense is appropriate, although I believe it is, it is a resource issue. It could cost, and we have gone through this, whether it is a felony or misdemeanor, up to one-third of a trillion dollars to arrest, prosecute and incarcerate 11 million people.

I don't believe that a Republican Congress that won't hire more than 200 border patrol agents for the northern border is going to actually appropriate one-third of a trillion dollars to arrest, prosecute, try and incarcerate 11 million people.

I see my time is up, and I yield back.

Mr. HOSTETTLER. The chair now recognizes the gentlelady from California, Ms. Waters, for purposes of discussion.

Ms. WATERS. Thank you very much.

I would like to address my question to Mrs. Phyllis Schlafly. I am a mother, raised two children. I have two grandchildren. I come from a huge family, 12 brothers and sisters. I have probably about 50 or so nieces and nephews. We have strong family values. We are very much family people. I am concerned about the separation of families in Mr. Sensenbrenner's immigration reform law.

What would you do, Mrs. Schlafly, with a family where the mother and father have been here, I don't know, 20 years or more. They have three children who were born here in the United States. One of them served in Desert Storm. The other one is now in Iraq. You have a mother that is working. She is doing domestic work and she is working for people, famous people, Rush Limbaugh, others, who have undocumented immigrants. You have a father who works for America's biggest retailer, Wal-Mart, one of the more conservative political retailers in the country.

But the mother and father are not documented. They have these grandchildren. They have children who have served this country. One of the sons is a police officer, on and on and on. What would you do with that mother and father under the Sensenbrenner bill? Would you return them?

Mrs. SCHLAFLY. I don't believe the Sensenbrenner bill calls for deporting anybody. I think it simply calls for enforcing the law.

It does call for employment verification, and if they lose their job they might maybe get the idea that they should return to their native land. If their children are grown and have good jobs, as you mentioned, they can make their own decision. Perhaps they can provide some resources.

If there are small children who are born in this country to illegal aliens, they are also Mexican citizens and the parents can certainly take them with them. But nobody is calling for deporting large numbers of people.

Ms. WATERS. What would you do with the mother and father?

Mrs. SCHLAFLY. I think if they cannot meet the requirements for employment, then they should lose their jobs.

Ms. WATERS. Well, what would happen to them under the Sensenbrenner bill? Would they be felons?

Mrs. SCHLAFLY. Well, I think the effort was made to reduce that to a misdemeanor, and that works perfectly all right with me. The idea that people are going to go around and throw 11 million people in jail is I think a straw man argument. Nobody is going to do that.

Ms. WATERS. What would happen to this mother and father under the Sensenbrenner bill?

Mrs. SCHLAFLY. I think they would lose their job.

Ms. WATERS. What else would happen to them?

Mrs. SCHLAFLY. Well, you have described the good jobs that their children have. They could take care of them.

Ms. WATERS. Would they remain in the United States under the Sensenbrenner bill?

Mrs. SCHLAFLY. I don't believe we have any plans for a large-scale deportation. I think that is a false argument.

Ms. WATERS. So you are saying that this mother and father could become felons and could remain in the United States and not incarcerated?

Mrs. SCHLAFLY. I don't believe they would be incarcerated, no. I think the Congress will probably fix up the felon provision.

Ms. WATERS. That is the problem with the Sensenbrenner bill. It is like you said, you don't quite know, you don't believe, but all we have is the language of the bill.

I just described to you a situation that Mr. Sensenbrenner and others refuse to deal with. As I said before, we all believe in border security. We all support border security, but we have problems that need to be addressed, real problems that need to be addressed.

Of course, the son who was a soldier who served in Desert Storm or who is in Iraq probably could help take care of their mother, even though the one in Iraq doesn't get very much money as a soldier. So you are suggesting that this patriot who is in jail or the brother who served in Desert Storm could take care of the mother

and father while they are in prison. They could send them some money to buy little things.

Mrs. SCHLAFLY. Who is in prison? I didn't say put anybody in prison.

Ms. WATERS. You didn't say it, but the bill does.

Mrs. SCHLAFLY. I don't think so, but you have pointed out one problem with the House bill.

Ms. WATERS. A big problem.

Mrs. SCHLAFLY. There are so many problems with the Senate bill, and the thing is that when you all talk about "comprehensive" and going to conference, for all the reasons that the minority has expressed here, and Mr. Reyes has expressed about the failure to enforce border security, we do not believe that we will get border security if you pass the Senate bill or any part of it, or anything that is called "compromise." We simply don't believe it. We have to have border security first.

Ms. WATERS. What about the sanctions on employers?

Mr. HOSTETTLER. The gentlelady's time has expired.

Ms. WATERS. Thank you.

Mr. HOSTETTLER. We will go now to a second round of questions.

Mr. GOODLATTE. Mr. Chairman?

Mr. HOSTETTLER. Oh, I am sorry. The chair recognizes the gentleman from Virginia, Mr. Goodlatte, for questions.

Mr. GOODLATTE. Well, thank you, Mr. Chairman.

Mrs. Schlafly, let me help you out here just a little bit. The fact of the matter is the hypothetical posed by the gentlewoman from California doesn't have to take place under the House-passed bill. That same hypothetical can be applied to the current law. Those people are here illegally in the United States right now, and current law requires them to not be in the United States right now.

So this problem was not created overnight. It has been building up for 20 years since the 1986 act, and we can phase in the enforcement of the law in a fashion so that people do not see a mass exodus of people to the borders of the country. This is a serious problem right now, whether we have the Sensenbrenner bill or not. It is a serious problem right now that is not being addressed.

That is what the American people are impatient about. It is not the Sensenbrenner bill or whether it has a felony provision in it that the gentlewoman from California voted to keep in it when an amendment was offered on the floor to change that to a mere misdemeanor, when people would certainly not be incarcerated in prison under a misdemeanor.

So the issue is: Do we respect the laws of the United States? The question posed to us comes about not from something that occurred yesterday, but something that has been building up over 20 years of lack of enforcement of the law by various Administrations in this country, including the current one. So the issue here is let's get about enforcing the law.

I would like to ask the panelists two questions, starting with Representative Reyes. First of all, when it comes to enforcing the law, you can't simply put up walls on the border or put more border patrols there. No matter what you do there, some people are going to get through.

Some people are coming through. In addition, up to 40 percent got through legally because they presented the necessary documentation at the border, at the airport, that showed they had a student visa or a visitor's visa or a business visa, and then they stayed over the time when they were supposed to leave the country.

So enforcement in the interior of the country is to me something that we are not talking enough about. And two things that we haven't talked enough about at all here today are, one, the use of local law enforcement; and two, an employer verification system that works with identification. Some people call it a national identification card.

Some people call it a tamper-proof Social Security card, but it seems to me that if you have been given a Social Security card in this country, it ought not to be subject to forgery. The best way to do that is to use the database that is controlled by the Social Security Administration that says this person meets these particular physical characteristics and location and background and so on, and those things have to match up with the person who presents that number when they go to an employer.

So I would like to know from each of you if you support a tamper-proof Social Security card and if you would use local law enforcement, not just to enforce our criminal laws. Right now if they want to arrest an alien who has committed a crime, they can do that, but they get no cooperation and I don't think it is even legal for them to simply enforce the immigration law.

When they find somebody in the community that hasn't committed a crime, but is illegally in the community, should they, that local law enforcement, be able to detain the individual until the immigration service then removes them from the country?

Ms. WATERS. Will the gentleman yield?

Mr. GOODLATTE. I am running short of time and I want all four of these witnesses to answer this question, but then I would be happy to yield.

Mr. REYES. Well, actually, I would tell my good friend, I don't think you were in the room, I addressed both of those.

Mr. GOODLATTE. Oh, good.

Mr. REYES. H.R. 98 actually does that tamper-proof Social Security. It is the Dreier-Reyes bill. Also, and then I would just let you know——

Mr. GOODLATTE. So you support that.

Mr. REYES. Yes, absolutely.

Mr. GOODLATTE. You initiated legislation. I am glad to hear that.

Mr. REYES. And the other thing is that the current database for the Social Security is inadequate to be able to do that employer or employee verification process. As to the local law enforcement, I don't support that, and I don't support that because I believe that we have to prioritize enforcing Federal laws, especially as it affects immigration, to Federal agencies.

Mr. GOODLATTE. We don't necessarily bifurcate like that in other areas. If you have somebody, for example, who is trafficking in drugs in a community, you don't say, well, we are going to wait for DEA to come. Local law enforcement comes in.

Mr. REYES. Here is the difference, here is the difference, that if you are in this country and you have been a victim of crime, and you believe that by reporting it to your local law enforcement you may be referred to immigration authorities, you are not going to report that activity. I think if you serve, and not just law enforcement chiefs and sheriffs around the country, but city mayors and other administrators, it is not a good practical policy.

I favor making sure that we fund the border patrol and the immigration and customs enforcement.

Mr. GOODLATTE. Reclaiming my time, since it expired. Mr. Chairman, if I might ask leave to allow the other three witnesses to briefly answer those two questions, I would appreciate it.

Mr. HOSTETTLER. Without objection.

Mr. GOODLATTE. Thank you, Representative Reyes. I apologize for interrupting, but the time is short.

Mr. HOSTETTLER. For a brief response please.

Mrs. SCHLAFLY. Thank you.

I would like to respond by asking the Chairman to insert in the record a very important article that just came out yesterday written by former Justice Department attorney Kris Kobach, which shows that three of the pilots on 9/11 were stopped for speeding just a short time before 9/11, and they were all in visa violations, but they weren't able to go ahead and detain them.

If they had been detained, we could have avoided 9/11. But the Senate bill has in it the loophole to prevent local law enforcement from detaining them for that type of offense, and it is very important.

Mr. HOSTETTLER. You would support local law enforcement?

Ms. SCHLAFLY. Absolutely.

Mr. HOSTETTLER. Without objection.

[The article follows in the Appendix]

Mr. CAMAROTA. Briefly, obviously you want the immigration service to most of the enforcement, but if in the normal course of police work you come across someone who is an illegal alien, obviously you should be able to turn him over, just as if you find in the normal course of an investigation, you find, and you are looking at people's records and you find a tax cheat.

You don't say, well gosh, we don't do anything with tax law, they are embezzling money and so forth. No, you call the local Federal authorities, he is cheating on his taxes. It is just common sense. You don't have to go out and do it proactively, but if you come across someone in the normal course of law enforcement, I think that could be really helpful.

Mr. REYES. And that is done now, by the way. There doesn't have to be any changes.

Mr. CAMAROTA. But often the immigration service kind of responds with, hey, you know, let them go; we don't have the space for them.

Mr. REYES. Lack of resources, blame Congress.

Mr. EDWARDS. I have no problem with enhancing the security of the Social Security card like H.R. 98. It is a good step. I think you don't need it necessarily if you have a fully expanded employment verification system that is mandatory on all employers because you are pinging on the databases in lieu of checking documents.

As far as State and local law enforcement, a lot of State and local law enforcement officers and organizations and others support the routinization of their having a role in immigration enforcement. It is a common sense step that if somebody like my brother, who is a police officer, who routinely goes to, say, a domestic spat or stops somebody for speeding or something. If he were to find out that this person is an illegal alien or has reasonable suspicion thereto, then he could check quickly in some manner.

Perhaps NCIC would be the best route, the quickest to find out if that person is illegal, and then to routinize those kinds of encounters by State and local law enforcement, the 700,000 officers who are already on the streets policing our streets, keeping our communities safe. That has got to be a logical key component of all of this.

Mr. GOODLATTE. Thank you.

Mr. HOSTETTLER. Thank you.

The Committee will now turn to a second round of questions.

Dr. Edwards, if you will indulge me, I would like to ask you a question regarding a hearing we had earlier this year, that the Subcommittee had in joint session with the Subcommittee on Crime, Terrorism, and Homeland Security.

I asked a question of the witnesses regarding the issue of expansion of employment opportunities. This is a question I asked: One of the significant issues that will be addressed in this Congress is the issue of the expansion of employment opportunities for individuals who are currently in the country illegally, known as a guest worker program, temporary work program or the like.

While many who support such a program do not wish for it to be characterized as amnesty, my first question is—and I asked this question of the panel of sheriffs from the border countries—have things gotten better since 1986 or worse as a result, I guess I should say, after the passage of the amnesty?

Sheriff Leo Samaniego, currently sheriff of El Paso County in Texas, responded quite quickly in this way: "Anytime you give a group of illegal undocumented aliens that are already here amnesty, or even anything that sounds close to amnesty, you are sending the message to the next 12 million that are going to come in after them. You cannot let them come in. They know that if they stay here long enough, they get a job and they are good people, that they are going to be given amnesty and they will be able to stay here. But it sends the message to the rest of the world, 'You can do the same thing, because the same thing is going to happen to you.'"

Sheriff Leo Samaniego of El Paso County talked about anything that sounds close to amnesty. Do you think the Senate bill meets that description of something that sounds close to amnesty?

Mr. EDWARDS. I think it is outright amnesty. A lot of the elements, as they are characterized by various proponents, sound like amnesty. But it meets the minimal, if not over the top, it meets the standard of encouraging the next batch of people to come illegally.

It is an enticement to promise something that they would get, and there are reports from the border that people captured and say, I am coming because I hear there is going to be a legalization program and I want a piece of that. So that happens now.

Mr. HOSTETTLER. Right.

Mrs. Schlafly, do you hear from the folks outside of the Beltway similar sentiments as Sheriff Samaniego from El Paso?

Mrs. SCHLAFLY. Absolutely. I think everybody understands that the Senate bill is amnesty or amnesty-lite, and words like "legalization" and "path to citizenship" really don't mean that it is not amnesty. That is what people understand. It is just like they understand "comprehensive" means wrapping it all together and we will never get border security for all the reasons that have been so eloquently described by Mr. Reyes and the minority.

Mr. HOSTETTLER. Dr. Camarota, in viewing this issue, we also have to look at it from the perspective of the individual who has violated the law by coming into the country illegally. They might not know what the term "amnesty" means or "comprehensive" or anything like that, but do they see this as an invitation?

Sheriff Samaniego, do you think he is accurate and does your experience and your research show that he may be accurate in the sense that it is going to send a message to the next 12 million that are going to come in after them?

Mr. CAMAROTA. Not only does common sense suggest that that is the case, but in a 1997 report that actually the then-Chairman of this Committee Smith, Congressman Smith, actually subpoenaed from the INS, which they hadn't released, showed that their estimates suggest that after the passage of the amnesty, at the height of the legalization in 1989, illegal immigration, the growth in that population, the number of new people coming in, had increased by 1989 by 44 percent from 1987. They concluded it seems very likely that the last amnesty spurred a real surge of illegal immigration, and of course, how could it otherwise.

Mr. HOSTETTLER. Thank you.

Mr. REYES. Mr. Chairman, could I?

Mr. HOSTETTLER. Yes.

Mr. REYES. I was the chief in South Texas during this period. When somebody says compare 1987 to 1989, 44 percent is probably correct, but it is a distorted picture, because after the passage of the law in 1986, as I mentioned in my opening statement, in some of our sectors the attempted illegal entries went down by as much as 80 percent. By 1989, people had figured out, "Hey, INS didn't get the resources to enforce employer sanctions," so they started coming back into this country in record numbers.

But that statistic, I think, in my opinion, is a distorted one.

Mr. CAMAROTA. Well, let me respond to that. People have tried to look at the earlier trend, it appears that, exactly as the congressman said, that there was a real drop-off when the amnesty was passed. People thought we were going to enforce the law. But it does appear that as soon as they realized that that wasn't going to happen, and they had the precedent of the previous amnesty, we got a surge.

And these figures are not the number of people being apprehended. They also include overstays of visas, which of course you wouldn't have seen, and we think that that comprises about 40 percent of the illegal population.

So it is true that there was a drop-off associated with the amnesty, when everyone realized it wasn't going to be enforced, but

it appears that there was definitely a surge associated with the legalization, again, once everyone realized it wasn't going to be enforced.

Mr. HOSTETTLER. Thank you.

The Chair's time is concluded. The chair recognizes the gentlelady from Texas for 5 minutes for questions.

Ms. JACKSON LEE. Thank you very much. I am delighted that Mr. Camarota—and I gave you a Ph.D, but that is all right, because originally I called you "Dr. Camarota." So thank you for your insight. Obviously, my assumption is that you are so specialized in the area that you might be a Ph.D. Is that incorrect?

Mr. CAMAROTA. No, I do have a Ph.D, from the University of Virginia.

Ms. JACKSON LEE. Then they need to correct, your side. I was correct.

Mr. CAMAROTA. Yes, ma'am, you were. [Laughter.]

Ms. JACKSON LEE. I was wondering why you were looking like that. I am correct. All right. Dr. Camarota, thank you.

The reason why I was going to just mention—I am very glad that you said that a lot of the illegal immigration is for overstays, which means that they enter this country legally. I think that is a misnomer as well. What are overstays? It is individuals who might have possibly tried to seek legal status, but because our legal immigration system is so broken because we have not funded that the way it should have been, we have a crisis as well.

Let me share these words with you. First, it takes hard-nosed enforcement on the border, at our airports and seaports, and in the workplace. One might wonder where these comments are from. It is from a statement of Senator Edward M. Kennedy, which really begs the question of whether or not we are suggesting that there are those of us who are Democrats who are not serious about border enforcement.

The Senate bill provides for these additions to securing the border: double border patrol, adds 12,000 new agents, 2,400 each year. While we are stalling and having these hearings, we are not in conference to assure that we get that amount of support. Doubled enforcement, interior enforcement, 11,000 investigators over the next 5 years. New security perimeter, adds new technology at the border to create virtual fence; tighten controls, expands exit-entry security system at all land borders and airports; construction of barriers; mandates new roads and vehicles barriers at borders where necessary.

Might I also say that seven times over the last 4½ years, Democrats have offered amendments to enhance border security resources. If these Democratic amendments have been adopted, one in particular by Mr. Obey just recently, there would be 6,600 more border patrol agents, 14,000 more detention beds, and 2,700 more immigration agents along our borders than now exist. Each time, these efforts have been rejected by the Republican majority.

Might I also say that this whole debate about felony versus misdemeanor, some of us had the interest and concern that we didn't want a priest, we didn't want aunts and uncles and grandparents to be indictable felons because the language also said that the as-

sistance of individuals who might be undocumented therefore would create a felon. I think we erred on the side of common sense.

And yes, there is deportation. It is what you call detention and expedited removal. That means that you would, if you will, entrap the nation's courts in years and years of litigation on the deportation process, which does require due process and the right to counsel.

Might I also say on this question of the minimum wage, I would hope that when we talk about raising the minimum wage, we have concern about Americans. Americans have not had an increase in the minimum wage. I might think that the $20-an-hour that was given somewhere in Texas is based upon the availability of non-availability of workers. It has nothing to do with the minimum wage.

So the minimum wage still remains a sore point which my colleagues on the other side of the aisle refuse to address the question of helping Americans, giving them a minimum wage. So if we are multi-task, let's do that as well.

I would also suggest that we need to make it very clear that on the frontlines of Iraq and Afghanistan are individuals who have undocumented relatives, who are willing to sacrifice their lives in the name of freedom of this country. That is why we think we should move forward with a conference so we can address and make sure that the comments that have been made by the witnesses, that are very legitimate, we have not done our job to date. Let us get into a conference, show the American people that we are serious.

Might I ask this question to all of the witnesses: What is your thought about the ability to deport all of the 12 million undocumented, if you will, individuals who are here?

Why don't I start with Mr. Edwards. What procedures are you aware of, the detention procedures in the Sensenbrenner bill, expedited removal, and the possibility of the resources that it would take to deport all those individuals, obviously breaking up families, and if you will, totally being disengaged or disingenuous. Would you answer the question please, Mr. Edwards?

Mr. EDWARDS. Yes, ma'am. Thank you for the question.

I don't think that the Sensenbrenner bill sets up a scenario where you would have mass deportation. I don't know of anybody who is seriously suggesting mass deportation. However, the Sensenbrenner bill would give additional tools and close some of the existing loopholes in the processes and on the resource side that would help to enhance the ability to reverse the current set of incentives.

It would reverse the incentives for additional in-flow because it would no longer be dangling the prospect of another amnesty, and therefore it would say, in addition we are going to actually enforce the laws on the books. So there would be a reduction in the in-flow.

It would also apply additional pressure. With the employment verification that employers would have to participate in and check the eligibility to work of their new hires——

Ms. JACKSON LEE. Let me move on to Dr. Camarota. I appreciate it. I would like all of the witnesses to answer very quickly. Thank you.

Mr. CAMAROTA. It seems to me that the Sensenbrenner bill is based on the idea of attrition through enforcement. Police the border. Go after the employers. Get the cooperation of local law enforcement. Make sure illegal aliens can't get driver's licenses, open bank accounts, get a library card, et cetera.

When you do that, you dramatically increase the number of people who go home on their own or self-deport. Right now, we think about 150,000 to 200,000 people already go home on their own. The goal is to double, triple and quadruple that by cutting them off from American society.

At the same time, if you dramatically reduce the number coming in, the problem could take care of itself over time.

Ms. JACKSON LEE. Thank you. That no way meets 12 million, but I thank you very much.

Mrs. Schlafly?

Mrs. SCHLAFLY. I don't think anybody has recommended mass deportation since President Eisenhower. He did deport quite a lot of them. The figures show that for every one he deported, 10 went home on their own. So I think that what Dr. Camarota says is right.

But may I also add that I am just so excited that the minority is so strong for border security and wants more resources.

Ms. JACKSON LEE. Thank you.

Mrs. SCHLAFLY. But you see, there are some of us who don't believe that President Bush wants to do it. So it would be just great if you would pass the Sensenbrenner bill and get the Administration to have to put up or shut up about border security before we talk about anything comprehensive.

Ms. JACKSON LEE. Let me say that I enthusiastically join you in hoping that the Administration would do their job, and commend to you that if we get the conference going, we will put ourselves in a position to put the burden on the Administration to follow the lead of the American people, comprehensive immigration reform, and I thank you.

Representative Reyes?

Mr. REYES. Thank you.

First, let me just make a comment. I am surprised that Mrs. Schlafly here would think we would want anything less than secure borders after 9/11. I guess I am a little bit offended that anyone would think that because we are Democrats we want something less.

Having said that, let me just make a couple of comments on your question. First of all, the issue of estimating the number of undocumented people in this country is not finite. I mean, if you will stop and think, about 3 or 4 years ago, that figure was 9 million. As we got closer to whipping up the frenzy of anti-immigrant, it now is at 12 million. Back in 1986 when IRCA was passed, they were talking about legalizing 9 million. That turned out to be 3 million. I think that is important.

When you talk about the 1.3 million arrests every year of undocumented coming across the border, in some areas of our border 30 to 50 percent are the same person getting caught multiple times. So it is not 1.3 million coming into this country. That is ridiculous. As the doctor said, 40 percent actually that are here ille-

gally now, or out-of-status technically, actually entered with a legal visa.

Of the whole pool of undocumented in this country, the estimate is that 60 percent are from Mexico, yet when people talk to me about illegal immigration, the invariably in the same breath mention the problem with Mexico. So there are underlying issues here that are not just anti-immigrant, but anti-Mexico based on the people that talk to me about this very issue.

I think that when we pass legislation or a proposal like the Sensenbrenner bill, that makes people think that there are going to be massive roundups, and by the way, when President Eisenhower ordered that mass deportation, people often forget that a whole bunch of those people were U.S. citizens that got caught up in the same frenzy of being deported back to Mexico. Some of those U.S. citizens that were deported to Mexico weren't even from Mexico, but from other countries.

So we need to be very careful and understand that when we are dealing with human beings, when we are dealing with what has in my opinion made this country great, which is the legacy of immigrants, we better be careful and understand the consequences that we create for ourselves.

We don't need nor do we want a massive roundup, nor do we want whatever that figure is, the 9 million to 12 million people fearing that local law enforcement or others are going to be coming to their homes to round them up and put them back across the border. It may be the wrong border that they put them back across.

Mr. HOSTETTLER. Thank you. The gentlelady's time is expired.

The chair now recognizes the gentleman from Texas for questions.

Mr. GOHMERT. Thank you, Mr. Chairman.

My sister sent me an e-mail that had a 1962 cartoon where a Native American Indian was saying to a Government official, basically, you need to be strict on enforcing immigration; we were a bit too lax on enforcing ours. That was 44 years ago, and still we haven't gotten it quite right.

With regard, and let me address the minimum wage again. The minimum wage is what willing employers will pay to willing employees, and the reason that so many immigrants in East Texas are making vastly above the minimum wage is because they work hard, they become invaluable to their employers, and that is what drives the minimum wage. I have talked to a lot of employers, including Dairy Queens, and they can't hire people for minimum wage, so the market takes care of raising itself.

But I want to go back to a problem that has been mentioned a little bit about the local law enforcement's authority to detain people. As I understand, congressman, you had indicated that, or believe they had the authority now. But let me tell you my experience as a judge.

We had a constant problem with trying to get somebody from the INS to come, deport somebody, and we had problems with the sheriff when they did fine somebody, if they were illegally here and had committed a crime. They would notify INS and they wouldn't come and get them. They wouldn't pay them for all the days, $50 a day

to keep somebody housed. It was breaking the county. I have heard other sheriffs say the same thing.

I had a problem with some people who had committed minor crimes, I mean, they had committed what were considered to be minor felonies, normally first offense, get your probation. It troubled me deeply, reading over the rules of probation and conditions in order to stay free and out on probation, you had to, number one, the number one condition on every State of Texas form was obey all laws. And then next it would say report to the Smith County or the county probation department either once a week or once a month.

That amazed me because if they are illegally here and they must obey all laws, then how can they report to the local probation officer every week or every month. I am ordering them to obey the laws and in the next sentence I am ordering them to break the law by being here illegally.

So I began ordering that if they were not legally here, they had to apply, and I met with some Hispanic groups and other groups about my concerns, and we reached agreement, and I started requiring within so many days, you had to apply for legal status, and if you did not get an affirmative result within so many days after that, you had to report by mail with proof each month that you were in a country you were legally authorized to be in.

When that hit the news, I got pounded on by the regional director of INS in Dallas that there was some renegade judge over in East Texas that was trying to enforce Federal law. When he is a State district judge, he can't do that. And one reporter said he actually called you an idiot and a fool, but we didn't put that in our report.

After he had a chance to meet with his PR people, they said it may not be a good idea to be calling a judge that is helping you do your job a fool or all these names, because he is actually trying to help you do what you should already have been doing. But they made such a distinction about a State law enforcement person should never be able to enforce the law.

I am just curious, do you think we ought to make provisions that allow local law enforcement to be compensated if they are doing the job of detaining people who are illegally here who violated the law?

Mr. EDWARDS. Yes, sir. There are measures in both the House bill and the Senate bill which take those remedial steps. That should be done, certainly.

Mr. GOHMERT. Mr. Camarota?

Mr. CAMAROTA. Yes, common sense suggests that it is a great idea.

Mr. GOHMERT. Well, if it is such common sense, you would think that it would have been done a long time ago.

Mr. CAMAROTA. Unfortunately in many ways our immigration policy and common sense seem often at odds.

Mr. GOHMERT. Mrs. Schlafly?

Mrs. SCHLAFLY. Well, according to this article, and again I ask if you will insert it in the record, by a distinguished attorney, there is language in the Senate bill to prevent enforcement by local law enforcement people. It is very artfully written, but it is a loophole that I think he described. He pointed out what a danger this is to

the terrorists and how 9/11 could have been avoided if local law enforcement had been willing to detain the people. So may I ask that this be put in the record?

Mr. HOSTETTLER. Without objection.

Mr. REYES. I just wanted to make mention of a couple of things because, again, the authority to detain and refer to Federal officials is there, because there is an articulable fact based on the situation to call the border patrol or the immigration and customs enforcement, they can do it.

The response becomes the issue, and the further you get away from the border, the less likely that DHS is going to have the resources to send to check. I agree with you. If somebody has landed before a judge, that means they have violated some law and there ought to be a process there, and we ought to provide as a Congress the resources to be able to do that.

If somebody winds up in jail, there ought to be a regular system where INS or border patrol or ICE has jail check. We used to do that in both of my sectors in South Texas and in West Texas and New Mexico where there was a jail check because we don't want criminals to stay in this country, but the issue becomes one of resources. If you have an area the size of New Mexico and West Texas, and somebody lands in jail in the northern-most point in New Mexico where you don't have a station there, you need to have somebody get up there.

That is why it is vital and important that we fund and we resource interior enforcement to be able to do that. Again, I will tell you, I don't think it is good public policy to have local law enforcement become immigration agents.

Let me just preface my comment by saying that immigration law, people don't realize it, but immigration law is the second most complex law in the world, next to maritime law. The first time somebody deports somebody or arrests somebody that is in fact a citizen, they are opening themselves up for a lawsuit.

I don't think too many municipalities or counties or cities are going to be very enthused about having their officers do that if they are going to be sued because somebody was arrested because they didn't speak English or they didn't look like they were U.S. citizens or other reasons that I have heard in my 26½ years in the border patrol.

Mr. GOHMERT. I might have additional time. Who would like to respond? If I could just have additional time for Mr. Edwards to respond, and then I won't comment further, just hear his response.

Mr. EDWARDS. Just one quick clarification. There are provisions that I refer to that are desirable in the Senate bill. There are certainly many in the House bill regarding detention, reimbursement, transportation, exchange of custody, things of that nature.

There is a provision which was referenced which is highly undesirable in the Senate bill which would prohibit, would restrict even the current inherent authority that State and local law enforcement have with respect to prohibiting them to only be engaged in involvement on the criminal provisions in the INA, rather than those that are lesser offenses. You have to watch that provision, which I think Kris Kobach's article addresses.

Mr. HOSTETTLER. Thank you.

The chair recognizes the gentlelady from California, Ms. Lofgren, for questions.

Ms. LOFGREN. Thank you, Mr. Chairman.

I think it is important to reflect back again on what we are doing here today. I just got an e-mail from my staff of an article where President Vicente Fox has held a press conference announcing that President Bush has told him there is not going to be any legislation this year on immigration. We have had a series of hearings around the country. We are having hearings here today. It is really just a bunch of talk. I think that is actually very destructive.

I was interested in Mrs. Schlafly's written testimony where she states George Bush has had 6 years to enforce border security; when grassroots Americans don't believe the president is leveling with us, it damages the moral fabric of our nation. I think really that statement speaks to a broader phenomenon, which is that people don't believe what we are doing here. It is all talk.

That is a problem that we are encouraging here today. We talked about the Sensenbrenner bill. There are really only two provisions in the bill that really relate to border security. I will tell you. If you take a look at the provision in Title I, it says not later than 18 months after the date of the enactment of this act, the secretary of homeland security shall take all actions the secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States.

Well, we don't need a law to do that. That is the secretary's obligation today, and he has failed to do that obligation. And why would we want to give him 18 more months of failure to do his job? When I think about Congress, we haven't provided the resources to do any of this stuff.

You talk about the detention provisions in the act. I think it is worth noting that we don't even fund the current provisions of the law. The president zeroed out SCAP funding in his budget proposal, and we have never provided more than 33 percent of SCAP funding.

So I think the GOP has become the gab-only party. It is just talk. It is just a bunch of gas and hot air and it is not any kind of action. My colleague from Virginia earlier said that he used to be an immigration lawyer, and so did I. I once taught immigration law, and one of the things that I find concerning are some of the assertions made by people in the debate that are just I think so incorrect. It is a real pleasure to be able to have somebody with the years and years of experience at the border, like our colleague Congressman Reyes.

The whole issue, and I think it was mentioned by one of the witnesses, perhaps it was Dr. Edwards, about so-called "anchor babies." You know, in your experience, Congressman Reyes, have you ever run into it? Number one, you have to be a U.S. citizen to apply for a parent, and you have to be an adult. Have you ever encountered in your career as a border patrol person somebody who crossed the border so that 18 years later an adult child could petition for them?

Mr. REYES. The answer is no. And you are correct: In order for a baby to bestow benefits on the parent, you have to be 21. That is the law.

Ms. LOFGREN. Well, and for brothers and sisters, you can petition for U.S. citizenship in the petition for brothers and sisters?

Mr. REYES. Yes, exactly, to bestow any immigration benefit.

Ms. LOFGREN. But now, if you take a look at Mexico, for example, it is a 13-year waiting list, so you would be talking about 31 years when you add in to gain adulthood and then the waiting period for the petition, it could get longer. Have you run into anybody who came across and gave birth so that 31 years later another child could get their residence?

Mr. REYES. No. In fact, the most common reason that people give is because they see the United States as the best opportunity for their children, and they just want to give them the option to be a U.S. citizen.

And by the way, children are born every day in the United States that their births are fully paid by people from Mexico, and I am going to assume from Canada as well, because they do want to have that right as an American citizen. I think it is a testament to how great other people from around the world see our country as being.

Ms. LOFGREN. I would just like to note that in the Sensenbrenner bill there are a variety of provisions. There has been argument whether it should be a felony or a misdemeanor or a civil offense. But the whole idea that we would pass, let's say that Mr. Sensenbrenner gets his way and it is a misdemeanor.

The concept that misdemeanors don't go to jail is simply false. The jail time is a year. It takes the same prosecutor, the same defense, the same courthouse. And that we would sit here as legislators and say, well, we included that in the bill, but we are not going to enforce the law.

Why would we sucker the American people in that way once again? And tell people, really lie to people in America, that we are tough on the border, but we are not going to spend any money for border patrol agents. We are tough. We ought to enforce it, but we are only going to bring enforcement actions against three companies in the United States, and we are going to put these provisions in the bill, but we are not going to actually utilize them. And by the way, we are not going to deport anybody either.

This is just a bunch of gas, and I think it is an insult to the American people.

Mr. HOSTETTLER. The gentlelady's time has expired.

The chair recognizes the gentlelady from California, Ms. Waters, for questions.

Ms. WATERS. Thank you very much, Mr. Chairman and Members.

I am still worried about the family. I agree that there should be tough border control. If that stops illegal immigrants from coming across the border, that is fine by me. I think we should have a good immigration law, but I want to know what happens.

I think the Senate bill basically talks about if you have been here less than 2 years, you are in violation and you would be subject to, I suppose, deportation, whatever.

Let me ask Mr. Camarota, do you agree with that?

Mr. CAMAROTA. Did you want to ask Mr. Edwards?

Ms. WATERS. Mr. Edwards, do you agree with that part of it, that if you are here less than 2 years, you are subject to deportation? You have no benefits?

Mr. EDWARDS. I agree.

Ms. WATERS. So you could be out of here.

Mr. EDWARDS. I agree that the Senate bill has a provision that leaves that category of illegal aliens subject to deportation.

Ms. WATERS. Okay, then if you are here between 2 and 5 years, then you could be a part of I guess what would be considered a guest worker program where you would have to do certain things to be eligible to be a guest worker. Do you agree with that part of it?

Mr. EDWARDS. I don't agree with any of the Senate, any of those amnesty provisions of the Senate bill, but I agree that that is the way that it deals with it. It sets up a second category of 2-to 5-year illegal residency and they get a temporary visa.

Ms. WATERS. But you disagree with that part of it?

Mr. EDWARDS. Yes, ma'am. It repeats the same mistakes as IRCA because of——

Ms. WATERS. Okay. Mr. Sensenbrenner's bill would make felons out of, I guess, he does not have the divisions of, you know, 2 years or less, 2-to 5-years, and then a pact to immigrate. What would you do with all of the so-called 11 million to 13 million immigrants who are here illegally and there would be no consideration for how they could get legal? How would you handle them as felons? Exactly what would you do with them?

Mr. EDWARDS. What the House bill would do is it would, as I have said, reverse the incentives so that you diminish the incentives to come illegally.

Ms. WATERS. Oh, we have shut down the border. We have shut that down. Now, they have everything that you want. They have gates, wires, walls, everything. No more coming in. You have 11 million to 13 million here.

Mr. EDWARDS. I will believe it when I see it, kind of like Eliza Doolittle, don't tell me, but show me.

Ms. WATERS. What would you do with them?

Mr. EDWARDS. I would say the strategy of attrition that the House bill has, and that is to make it more difficult to reside here unlawfully. You cannot find a job, or if you do, then you and the employer are held accountable under the law, hence they leave on their own.

Ms. WATERS. What you are saying is, excuse me, reclaiming my time, what you are saying is we would have a provision in law where you are now a felon. But this felon can't get a job; this felon is not deported. He is not deported; they just kind of sit here and do what? What is it you want them to do?

Mr. EDWARDS. You are not a felon until a jury convicts you. The same would be with anything that is currently in the law. The INA provides a number of provisions such as second or third or fourth unlawful entry at the border, or technically they could be prosecuted for felonies. Are they many times? No. So it is just a tool that would reside under prosecutorial discretion.

Ms. WATERS. Okay, reclaiming my time. So we have 11 million to 13 million folks who could be felons. And if they violate traffic laws, whatever, and they are detected, they are taken to jail and they are tried. And then what happens?

Mr. EDWARDS. Well, you could try them in the criminal court or you could simply put them into immigration proceedings, which is a civil arena. And therefore you could remove them; although they are liable for the felony, they aren't put into those criminal proceedings. You remove them from the country.

Ms. WATERS. I guess I am missing something about going into immigration proceedings in the Sensenbrenner bill. What is it you know about the bill that I don't know?

Mr. EDWARDS. I am sure you know it better than I.

Ms. WATERS. I think so, but I want you to tell me why you think that these immigrants who are now felons, who have been picked up, who could be deported or put in prison, why you think there is something else that is in that bill in the way of immigration proceedings that would not cause them to have to follow the law as it is determined in the bill itself.

Mr. HOSTETTLER. The gentlelady's time has expired.

Chairman Sensenbrenner's bill, for the record, does not change current law. Those individuals in the example that you are using are already subject to deportation, and the law and the Sensenbrenner bill does not change current law in that aspect.

I want to thank very much the panel of witnesses for your testimony here today. You have made a tremendous contribution to the record.

Ms. JACKSON LEE. Before you close, let me ask unanimous consent to submit into the record the study, Immigrants Pay Tax Share, done by the Urban Institute, with recommendations as to what to do with the undocumented, Monday, June 5, 2006.

[The article follows in the Appendix]

Ms. JACKSON LEE. Let me restate into the record this statement of Mr. Reyes: In total, Congress has 800 border patrol agents and 5,000 detention beds short of what was promised in the 9/11 Act. If the September 11, 2001 terrorist attacks did not convince the Administration and congressional leaders that border security and immigration must be a priority, what will?

Republicans were in office before 2001 and are now in leadership after 2001. Mr. Chairman, I hope that we can finally get action on the conference bill.

Mr. HOSTETTLER. Without objection. All Members will have 5 legislative days——

Mr. GOHMERT. I am sorry. Without objection, if I might clarify a point.

With regard to the problems I was having with the immigration service, their failure to do their job, and their efforts to prevent people who were trying to do the right thing to do their job. We had a Democratic president, a Democratic House and a Democratic Senate. So I don't know if the other Members' comments about the "party of gas" applied at that time, but I did want to clarify there was gas back in an all-Democratic era as well.

Mr. HOSTETTLER. I thank the gentleman.

All Members will have 5 legislative days to make additions to the record.

The business before the Subcommittee being complete, without objection, we are adjourned.

[Whereupon, at 12:51 p.m., the Subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

PREPARED STATEMENT OF THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND RANKING MEMBER, SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

SHEILA JACKSON LEE
18TH DISTRICT, TEXAS

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SUBCOMMITTEES:
INFRASTRUCTURE AND BORDER SECURITY
CYBERSECURITY, SCIENCE, AND RESEARCH & DEVELOPMENT
JUDICIARY
SUBCOMMITTEES:
CRIME
RANKING MEMBER
IMMIGRATION AND CLAIMS
SCIENCE
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Statement

Congresswoman Sheila Jackson Lee

Oversight Hearing on, "Should We Embrace the Senate's Grant of Amnesty to Millions of Illegal Aliens and Repeat the Mistakes of the Immigration Reform and Control Act of 1986?"

Subcommittee on Immigration, Border Security, and Claims

July 18, 2006

We will be answering a question at this hearing, "Should We Embrace the Senate's Grant of Amnesty to Millions of Illegal Aliens and Repeat the Mistakes of the Immigration Reform and Control

Act of 1986?"

The question uses the word "amnesty," which has been infused with negative connotations by the opponents of the Senate's bill, the Comprehensive Immigration Reform Act of 2006, S. 2611. The Senate bill in fact would not grant amnesty. "Amnesty" is defined by the American Heritage Dictionary as a general pardon granted by a government, especially for political offenses. It was derived from the Latin word "amnesti," which means amnesia. S. 2611 does not have any provisions that would forget or overlook immigration law violations.

The Immigration Reform and Control Act of 1986 (IRCA) did grant amnesty. Under IRCA, legalization eligibility depended on whether the applicant had entered the United States before January 1, 1982, and resided here continuously since that date. In contrast, S. 2611 provides earned access to legalization. It has a residence requirement, but immigrants would have to complete 10 separate steps to earn legal status. For instance, after enrolling in the

program, they would have to keep their records clean and be employed for six years before they would be able to establish eligibility for permanent resident status, and they would have to pay a substantial fine.

The essence of the question, however, is found in the phrase, "repeat the mistakes." This refers primarily to a grant of amnesty. The opponents of S. 2611 appear to believe that anything but an enforcement only approach is a mistake. They have failed repeatedly, however, to implement enforcement measures.

Seven times over the last four-and-a-half years, Democrats have offered amendments to enhance border security resources. If these Democratic amendments had been adopted, there would be 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigration agents along our borders than now exist. Each time, these efforts have been rejected by the Republican majority.

We do not know what would have happened if the IRCA

employer sanctions had been enforced. The enforcement of employer sanctions has been a low priority for the Bureau of Immigration and Customs Enforcement (ICE). This is reflected in its record of initiating fine proceedings. Between FY1999 and FY2004, the number of Notices of Intent to fine that ICE issued to employers decreased from 417 to only three. It is clear that we can do better than this.

The most serious shortcoming of IRCA, however, was that it was not comprehensive. Although IRCA had legalization programs and new enforcement measures, it did not address all of the essential issues. For instance, it failed to provide enough legal visas to meet future immigration needs. American employers need foreign workers to meet their labor needs. Carlos M. Gutierrez, Secretary of Commerce, testified at a Senate hearing on July 12, 2006, that, "The reality is that our economy is growing faster than any other large, industrialized nation. Our unemployment rate is below the average of the past four decades. Our economy – like other major

industrial economies – faces the challenge of an aging and increasingly educated workforce. The result is that we have jobs that American citizens either aren't willing or aren't available to do. I continually hear from industries that they are having difficulty finding workers."

On account of the failure to meet these needs, the shortage of visas that contributed to undocumented immigration prior to IRCA's enactment continued to do so afterward. S. 2611 would address this issue by increasing the availability of both employment-based and family-based visas.

S. 2611 has a three-pronged strategy to fix our broken immigration system that would avoid the mistakes of IRCA. It would establish a fair, earned legalization program. It would strengthen worksite enforcement. And, it would provide additional visas for future immigrants, which would address the primary cause of illegal immigration. Thank you.

PREPARED STATEMENT OF THE HONORABLE EDWARD M. KENNEDY, SENIOR UNITED STATES SENATOR FROM THE COMMONWEALTH OF MASSACHUSETTS

Statement of Senator Edward M. Kennedy
House Immigration Subcommittee Hearing: "Should We Embrace the Senate's Grant of Amnesty to Millions of Illegal Aliens and Repeat the Mistakes of the Immigration Reform and Control Act of 1986?"
July 18, 2006

We have heard the same theme echoed over and over again by opponents of comprehensive immigration reform. They call the Senate bill amnesty and compare it to the failed reform effort of 1986.

This criticism is wrong on both counts: the Senate bill's earned legalization program is not amnesty; and it is radically different from the Immigration Reform and Control Act of 1986 (IRCA).

First, as President Bush and others have emphasized time and again, earned legalization is not an amnesty. Commerce Secretary Carlos Gutierrez made the point eloquently at a Senate hearing just last week.

Amnesty, by definition, is an automatic pardon, or free pass, granted to a group of individuals without requiring any actions in return. IRCA was an amnesty -- immigrants only had to prove their presence in the United States before a certain date to qualify for permanent residence. In contrast, the Senate bill requires immigrants to earn legal status. They must qualify and pay over $3,000 in fines to enter into the program, and then they must earn legal status by continuing to work for 6 years, learn English, pay taxes, and meet additional requirements before becoming eligible for a green card.

Even after jumping through all these hoops, undocumented immigrants who qualify for a green card still don't cut in front of anyone in the line. None of the current undocumented will be eligible for green cards until all of those already waiting are processed through the system.

Immigrants who have been in the country fewer than five years face an even more difficult path to legal status. They will be required to leave the country and re-enter as temporary workers, and they will likely face an even longer timeline to earn their green cards.

So no matter how you slice it, this bill doesn't include a pardon or free pass for anyone. But it provides for a fair chance for hard working men and women who have made a home and a life in this country to earn the chance to stay here legally.

Many critics of the Senate bill focus on these earned legalization provisions, but few of them offer a realistic alternative for how to deal with the undocumented immigrants already in the United States. Shall we round up 12 million or so men, women, and children and drive them across the border? Seventy percent of the undocumented population has lived in the United States for five years or more. Many have U.S. citizen families and careers here. Blunt force enforcement like that envisioned by the House bill will only serve to drive these hard-working individuals deeper underground, harming US security and depressing US wages in the process.

The second point I want to emphasize is that this bill does not repeat the mistakes from 1986; it corrects them. The IRCA failed because it did not create the tools or provide the muscle to enforce employer sanctions against those who hire undocumented immigrants. The Senate bill includes major changes to the worksite enforcement provisions of the Immigration and Nationality Act which have been specifically designed—in painstaking bipartisan negotiations with Senators Chuck Grassley and Jon Kyl—to address the flaws of the IRCA.

These worksite enforcement provisions are incredibly robust. The Senate bill:

- Adds 11,000 new immigration inspectors and 2,000 new Department of Labor inspectors. There are currently only about 90 DHS inspectors doing worksite enforcement. The Senate bill increases that number to 11,000 to conduct inspections, worksite enforcement and investigate fraud, and also adds 2,000 new Department of Labor inspectors to enforce the tough temporary worker wage and standards guarantees.
- Limits I-9 documents to 4 secure options. One of the biggest problems with the current worksite enforcement system is that the I-9 form requires employers to make judgments about job applicants' citizenship based on about 25 different identity documents, many of which are easily counterfeited. The Senate bill will limit documents acceptable for I-9 verification to just four documents: green cards, employment authorization documents, passports, and driver's licenses. All of these documents will contain cutting edge anti-fraud technology.

- Imposes new penalties for lying on I-9 form. The current statute does not include penalty language. Under the Senate, immigrants who lie on an I-9 form could face a 3 year prison term.
- Expedited participation in electronic verification system for critical infrastructure and immigration violators. Perhaps the most important provision in the Senate bill is its electronic eligibility verification system (EVS). What this means is that employers will have to call in or use the internet to check the eligibility of new employees against DHS and Social Security databases. This will represent a significant improvement over a purely document-based system like the one we have now. The Senate bill differs from the House version because it combines an electronic verification system with strong due process to ensure that US citizens are not wrongly denied work—these protections are essential for the system to achieve widespread compliance.
- Information-sharing between the Department of Homeland Security, the Internal Revenue Service and the Social Security Administration. An additional contrast between the House and Senate bills is that the Senate bill provides for extensive information-sharing between the Internal Revenue Service, the Social Security Administration, and the Department of Homeland Security. DHS will be able to draw on tax and Social Security records to identify likely cases of identity fraud and instances in which employers are failing to participate in the new electronic screening system. This interagency cooperation makes the Senate's worksite enforcement provisions far stronger than the House language, and immeasurably more effective than the existing system. Every U.S. employer will be required to

participate in this system beginning 18 months after funds are appropriated to establish the EVS infrastructure--that's the shortest possible timeline DHS has said it needs to make the system work. Critical infrastructure employers will be required to participate on an expedited schedule.

- Felony for misuse of EVS data for identity fraud. Any immigrant or employer convicted of using data from the electronic verification system to fraudulently obtain employment or otherwise misuses this data will be guilty of a felony.
- Doubles penalties for non-compliance and creates graduated penalties for repeat offenders. All penalties for employment of undocumented immigrants are doubled compared to the existing system. These penalties will increase over time to keep pace with inflation.
- Denies federal contracts to repeat offenders. Repeat offenders will be denied federal contracts for up to five years.

None of these tough worksite enforcement provisions were in IRCA; they are included in the Senate bill specifically because we have learned from the unsuccessful IRCA experience. Our border enforcement measures are also exponentially tougher than those put in place during the 1980s.

So IRCA had an amnesty; this bill does not. IRCA had weak worksite and border enforcement; this bill has strong worksite and border enforcement.

The third key difference between IRCA and the Senate bill is that IRCA was not a comprehensive reform effort because it was based on the assumption that there was no room in the labor force for immigrant workers. This premise has been proven false by the continued stream of undocumented workers who have joined the labor force successfully since IRCA – becoming a major force in the service and other sectors of the economy.

In particular, IRCA failed to address the root cause of undocumented immigration: insufficient legal visas for future immigrants. IRCA did nothing to modernize the legal immigration system, and the same inadequacies in our legal visa system which contributed to undocumented immigration prior to 1986 continued to do so afterward.

Here's the bottom line: the Senate bill has a three-pronged strategy to fix our broken immigration system. IRCA—like the House bill—did not.

- The Senate bill includes a fair earned legalization program which does not put immigrants at the front of the line and requires them to earn their green cards over the next six years or more.
- The Senate bill includes the toughest worksite enforcement measures Congress has ever imagined, and it greatly strengthens border enforcement.
- And the Senate bill provides legal visas for future immigrants, eliminating the remaining condition contributing to undocumented immigration in the past.

That's a real strategy to fix our broken immigration system, and people who repeatedly raise the specter of IRCA are simply trying to undermine this bill while avoiding an honest debate about its merits.

ARTICLE ENTITLED "SENATE BILL CREATES TERRORIST LOOPHOLE" BY KRIS W. KOBACH, SUBMITTED BY PHYLLIS SCHLAFLY, PRESIDENT, EAGLE FORUM

http://www.humaneventsonline.com/article.php?print=yes&id=16048

Human Events

Senate Bill Creates Terrorist Loophole

by Kris W. Kobach
Posted Jul 17, 2006

One important lesson our country learned on Sept. 11, 2001, is that state and local police can make the difference between an unsuccessful terrorist plot and an attack that kills nearly 3,000 people. But some in Washington, D.C., still have not absorbed this lesson.

The immigration bill (S. 2611) approved by the Senate last month strips local police officers of arrest authority that could have been used to stop the 9/11 attacks.

In the aftermath of 9/11, we learned that five of the 19 hijackers had violated federal immigration laws while they were in the United States. In other words, they were illegal aliens. Amazingly, in the months before the attack, four of those five terrorists were stopped by local police for speeding. All four could have been arrested—if the police officers had realized that they were illegal aliens.

These were missed opportunities of breathtaking dimension. They demonstrate the crucial role local police can play in the war on terrorism.

The first case is that of Saudi national Nawaf al Hazmi. Hazmi entered the U.S. through Los Angeles International Airport with a B2 tourist visa on Jan. 15, 2000. He rented an apartment with fellow hijacker Khalid al Mihdhar in San Diego and lived there for more than a year. In almost every instance, however, the authorized period of stay for B2 visas is only six months. After July 15, 2000, Hazmi was in the U.S. illegally.

Traffic Tickets

For nearly a year, he managed to avoid contact with law enforcement. Then, on April 1, 2001, he was stopped for speeding in Oklahoma while traveling cross country with fellow hijacker Hani Hanjour. Had the officer making the stop asked a few questions and determined that Hazmi was in violation of U.S. immigration law at the time, he could have arrested him.

Mohammed Atta, the Egyptian ringleader of the 9/11 attacks who was at the controls of American Airlines Flight 11 when it crashed into the World Trade Center, provides the second case.

Atta entered the U.S. on numerous occasions, using B1 and B2 visas, which are for temporary visits for business purposes and for tourism, respectively. His first entry was on June 3, 2000, through Newark Airport. He, too, was unable to avoid contact with local law enforcement.

On April 26, 2001, a police officer in Broward County, Florida, stopped Atta for a traffic violation and ticketed him for possessing an invalid driver's license. The officer did not know Atta had overstayed his visa on a prior visit to the U.S. Within days of this stop, Atta obtained a valid Florida driver's license, despite his prior illegal presence in the country. He failed to appear in court for the April 26 ticket, however, and a bench warrant was issued for his arrest.

On July 5, 2001, Atta was pulled over for another traffic violation in Florida—this time in Palm Beach County. The police officer was unaware of the bench warrant issued by the neighboring jurisdiction. He issued a warning to Atta, then let him drive away.

The third case is Hani Hanjour, the Saudi who was at the flight controls of American Airlines Flight 77 when it hit the Pentagon. Hanjour entered the U.S. on an F1 student visa on Dec. 8, 2000, through the Cincinnati airport. He said that he intended to take classes at the ELS Language Center in Oakland, Calif. His immigration violation commenced when he failed to show up for classes. Thereafter, he was in the country illegally.

On Aug. 1, 2001, Hanjour was pulled over for speeding in Arlington County, Virginia. The police officer who stopped him was unaware that Hanjour had violated his immigration status. He issued the hijacker a ticket and let him drive away.

The fourth case is Ziad Jarrah, the Lebanese man at the controls of United Airlines Flight 93 when it crashed in rural Pennsylvania.

Jarrah entered the U.S. on June 27, 2000, through the Atlanta Airport on a B2 tourist visa. He immediately violated his immigration status by going directly to the Florida Flight Training Center in Venice, Fla. He never applied to change his immigration status from tourist to student. He was therefore detainable and removable from the U.S. almost from the moment he entered the country.

Jarrah successfully avoided contact with state and local police for more than 14 months. Then at 12:09 a.m. on Sept. 9, 2001, two days before the attack, he was clocked doing 90 miles per hour on Interstate 95 in Maryland. He was traveling from Baltimore to Newark to rendezvous with the other members of his terrorist team.

The Maryland trooper did not know Jarrah had been attending classes in violation of his immigration status. He also did not know Jarrah's visa had expired more than a year earlier, a second violation of immigration law that rendered him detainable and removable from the U.S. The trooper issued Jarrah a speeding ticket carrying a $270 fine and let him go. The ticket would be found in the glove compartment of the car, left at Newark Airport two days later.

Civil, Not Criminal

In each of these cases, the police officers who stopped the 9/11 terrorists could have easily determined their immigration status by calling the Law Enforcement Support Center (LESC)—a facility run by the then-Immigration and Naturalization Service in Williston, Vt. The LESC, which is open 24 hours a day, seven days a week, is designed to let local police officers know if a particular alien is legally or illegally present in the U.S.

Adding even greater poignancy to these missed opportunities is the fact that they involved three of the four terrorist pilots of 9/11. Had the police officers detained Atta, Hanjour, and Jarrah, they would have been out of the picture. Moreover, Atta and Hazmi were the operation leader and the second in command, respectively. It is difficult to imagine the attacks taking place with three pilots and the leadership of the 9/11 cohort in custody. However, if even one of the terrorists had been arrested, the plot might have unraveled.

Importantly, *all of these transgressions were civil, not criminal, violations* of federal immigration law.

In the wake of the attacks, the Department of Justice in 2002 announced an Office of Legal Counsel (OLC) opinion: State and local police officers have the inherent legal authority to arrest any deportable illegal alien, regardless of whether the underlying immigration offense is criminal or civil. This conclusion had already been confirmed by the 10th and 5th Circuits of the U.S. Courts of Appeals.

Section 240D

Moreover, the OLC recognized that this authority had never been "preempted" or displaced by Congress. The 10th Circuit held in the 2001 case of *United States v. Santana-Garcia* that federal law "evinces a clear invitation from Congress for state and local agencies to participate in the process of enforcing federal immigration laws." Liberal interest groups such as the ACLU fumed, but the legal authority was clear.

This Department of Justice announcement did not create any new authority—the police had possessed it all along. But it did remind local law enforcement agencies of the crucial role they could—and should—play in the war against terrorism by making immigration arrests.

Police departments across the country responded by exercising their inherent arrest authority with renewed determination. The number of calls to the LESC by police officers who had arrested illegal aliens nearly doubled in the next three years, to over 504,678 in fiscal year 2005. That was an average of 1,383 calls a day.

Local police have become a crucial force multiplier in the enforcement of federal immigration laws.

Unfortunately, the Senate immigration bill would change all of this. Buried deep in its 800 pages is a provision that most Senators probably did not read. Section 240D would restrict local police to arresting aliens for *criminal* violations of immigration law *only*, not civil violations. In other words, if the Senate bill became law, Congress would exercise its power to "preempt" state and local action and strip police officers of arrest authority for civil violations of immigration law.

If the Senate bill had been in effect in 2001, none of the hijackers who had violated immigration law could have been arrested by local police because all of the hijackers had committed civil violations.

Moreover, as a practical matter, the bill would discourage police departments from playing any role in immigration enforcement. Most police officers (indeed, most lawyers) do not know which immigration violations are criminal and which are civil. There is no particular logic to the distinctions. Overstaying a visa (something hijackers from the Middle East are more likely to do) is a civil violation, but marriage fraud is a criminal violation. Which is more dangerous to national security?

Fearful of arresting the wrong type of illegal alien—and getting sued as a result—many police departments would stop helping the federal government altogether. And that is precisely what the ACLU and the American Immigration Lawyers Association have wanted for years. The Senate bill gave them the vehicle they needed.

Hidden Time Bomb

Section 240D is a hidden time bomb. The provision is not labeled "stripping of local police arrest authority." Indeed, Section 240D is worded so that a person reading the first few lines actually might think that the provision enhanced, rather than diminished, the arrest authority of local police.

However, the wording of Section 240D sends an unmistakable message to the courts: making arrests for criminal provisions of immigration law "has never been displaced ... by Federal law," *therefore making arrests for civil provisions has been displaced.* No other conclusion can be drawn from Section 240D's limitation of this authority to criminal violations only.

I recently testified about this terrorist loophole at the field hearings held in San Diego, Calif., by the House Subcommittee on International Terrorism. Articles in HUMAN EVENTS and other publications have also exposed Section 240D for what it is.

So what do the drafters of the Senate bill have to say in defense of this pernicious provision? Nothing intelligible. Asked about Section 240D by HUMAN EVENTS Editor Terence Jeffrey, one Senate Judiciary Committee aide tried to sell this line: "The committee provided a statutory basis for state and local authority on criminal violations. The committee did not address the issue of civil violations, thus maintaining current law."

Rubbish. The first hole in the aide's argument is that no "statutory basis" is necessary for state arrest authority in criminal cases. The states' arrest authority is *inherent* authority—it comes from the states' status as sovereign entities. Moreover, the states' authority to make criminal arrests in the immigration context has never been seriously contested.

The second, and more damning, problem with the aide's story is that it does not reflect the way the courts have interpreted federal immigration law. A fundamental principle of statutory interpretation, one routinely applied by all courts, is "*Inclusio unius est exclusion alterius*." (The inclusion of one is the exclusion of another.) Where a statute expressly describes a particular situation in which it applies (i.e., criminal violations of immigration law), an irrefutable inference must be drawn that what is omitted was intentionally omitted (i.e., civil violations). Section 240D would be interpreted by any court as stripping arrest authority from the police in cases of civil violations. The Senate staffer was either ignorant of this principle or he was attempting to mislead.

A basic rule for all terrorists is to avoid contact with law enforcement officers. Each contact presents an opportunity for the officer to make an arrest and derail the terrorist plot. If the Senate bill were to become law, the power of police to take advantage of those opportunities would be stripped away. Just when the county is starting to make progress in the war against terrorism, the Senate has passed a bill that would unilaterally disarm the men and women on the front line. The only power they would be left with is the authority to write a speeding ticket and watch the terrorist drive away.

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ARTICLE ENTITLED "STUDY: IMMIGRANTS PAY TAX SHARE"BY KARIN BRULLIARD, SUBMITTED BY THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND RANKING MEMBER, SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

Study: Immigrants Pay Tax Share
No Gap With U.S.-Born Residents Seen in Area, but Those Here Illegally Account for Less

By Karin Brulliard
Washington Post Staff Writer
Monday, June 5, 2006; Page B01

The taxes paid by immigrant households in the Washington region are on par with those paid by native-born Americans, although immigrants here illegally pay less, according to a study being released today.

Overall, area immigrants pay nearly one-third of their income to the government -- at least $10 billion a year -- but those here illegally pay less than $1 of every $5 they earn in taxes, the report says. That is partly because they earn less but also because many are paid off the books and escape payroll taxes.

The Immigration Debate
IMG ALT The Washington Post's coverage of the immigration issue, from the politics of revising the nation's immigration laws to the impact of illegal immigration on the U.S.-Mexico border and the Washington region.

The study, by the nonpartisan Urban Institute, provides the most detailed snapshot yet of tax payments by the region's immigrant population, which the report says shot up from 870,000 in 2000 to 1.2 million in 2004. The income and tax landscape it reveals is unique to the Washington area, where the foreign-born population -- much of it drawn by think tanks, embassies and the high-tech industry -- is more diverse and wealthy than it is nationwide, the authors say. Here, relatively large populations of Asians, Middle Easterners and Europeans pay more taxes than most native-born Americans, helping offset the low tax payments of illegal and poor immigrants, the study found.

Overall, Washington area immigrants carry their share of the tax burden, the report says. In 1999, the year studied by the authors, foreign-born households accounted for 17.7 percent of all taxes paid by the region's residents -- a figure almost identical to their share of the total population in 2000: 17.4 percent.

The average household of illegal immigrants and those with temporary protected status paid less than 2 percent of the region's taxes, even though they made up more than 4 percent of households.

The report is being released as Congress debates immigration reform, a topic that has inspired intense public discussion, in part over whether immigrants benefit or burden the U.S. economy and taxpayers. Using census data, the report details the local, state and federal taxes paid by legal and illegal immigrant households from 1999 to 2000, an approach that some observers call flawed because it does not attempt to weigh those payments against the cost of social services, education and other expenses linked to immigration.

"It doesn't answer the question that's on everyone's minds: Is it a good deal for American taxpayers?" said Steven Camarota, research director at the Center for Immigration Studies, which favors less immigration. "It's not irrelevant, but it's kind of half the equation, really."

The authors said the report is just one piece of the regional economic portrait of immigration that intends to respond to public perception that the foreign-born often escape taxation. In a recent nationwide survey by the Pew Hispanic Center, 56 percent said they believe that most recent immigrants do not pay their fair share of taxes, while 33 percent said they do. In the Washington region, those figures were 46 percent and 41 percent.

"So much of the conversation around immigration right now is focusing on undocumented immigrants and immigrants from Latin America," said Randolph Capps, an Urban Institute demographer who co-authored the study. "That's only a small piece of the puzzle compared to the larger story of the diverse population of immigrants that we have and the significant amount they contribute to the governments in this area."

The controversy over immigrants and taxes generally centers on illegal immigrants. Reliable numbers are hard to find, but researchers generally agree that 50 to 60 percent of illegal immigrants nationwide work for employers who withhold income taxes and Social Security and Medicare payments from their paychecks. The authors of the Urban Institute study assumed 55 percent do. To get jobs, many of those immigrants use false Social Security numbers. That means they pay into the Social Security system for benefits they will never receive and pay income taxes without ever filing a return to determine whether they have overpaid.

The other 40 to 50 percent of illegal immigrants are paid under the table, researchers say.

But that does not mean that all illegal immigrants -- even those with fake documents -- avoid taxation. Together with immigrants who hold temporary protected status, illegal immigrants in the region paid about $1 billion in taxes in 1999, the study found. That is because there are other taxes unrelated to income: All buyers pay sales tax on new television sets, and tenants generally pay property tax in their rent.

"There's sales tax, there's property tax, there's consumption taxes on alcohol, on cars, on gasoline, on utilities," said Jeffrey S. Passel, a demographer at the Pew Hispanic Center who co-authored the report.

Montgomery County Council member Tom Perez (D-Silver Spring) said the study demonstrates the economic importance of immigrants to the region and provides elected officials data that lend context to the immigration debate.

The Immigration Debate
IMG ALT The Washington Post's coverage of the immigration issue, from the politics of revising the nation's immigration laws to the impact of illegal immigration on the U.S.-Mexico border and the Washington region.

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» Key Facts: Reform Proposals
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"We're invariably asked the question, 'Why are you spending $130,000 in Gaithersburg to fund a day-labor center? You're giving money to people who supply no services to people and who pay no taxes,' " Perez said. "That is a factually incorrect assertion."

In 1999, immigrant households in the region earned $29.5 billion, or 19 percent of the area's total income. Their average income was $78,000, compared with native household incomes of $88,000. Immigrant households paid 28 percent of their income in taxes while natives paid 31 percent, the report says.

Of the taxes immigrants paid, nearly three-quarters went to the federal government, 17 percent to the state and 12 percent to localities, amounts similar to those of native-born taxpayers, the report states.

More than half of all immigrant tax contributions were paid by naturalized citizens, whose

households earned an average of $91,000. Legal permanent residents made $78,000. Like natives, both groups paid nearly one-third of their income in taxes.

Households of illegal immigrants -- who constituted 22 percent of the immigrant population in 2000 -- and those with temporary protected status earned an average of $53,000 and paid 19 percent in taxes.

Immigrants with good English skills, advanced education and legal status make the most money and pay the most taxes among non-native born people, the study found. Michael Fix, vice president and director of studies at the nonpartisan Migration Policy Institute and a co-author, said that shows better integration -- learning English and getting legal status, for example -- leads to higher salaries and tax payments.

"It's a dog-bites-man story," Fix said. "But it's one that isn't often heard."

It is one reason the Washington region's immigrant tax base is strong, the report suggests. According to a 2003 Brookings Institution study, the Washington region has the highest percentage of foreign-born English speakers and lowest immigrant poverty rate among the 10 U.S. metropolitan areas with the largest international populations.

The study recommends publicly funded English and adult education for immigrants, which it says would boost incomes and tax payments. It also advises granting work permits to illegal immigrants as a way to increase payroll tax contributions.

Some experts, including Camarota, disagree. Although legalizing those immigrants -- of whom many have low incomes -- would certainly result in more people filing taxes, it might also qualify them for more public services whose costs outweigh their tax payments, they say.

The study was underwritten by the Washington Area Partnership for Immigrants, a funding collaborative of the Community Foundation.

Staff writer Neil Irwin contributed to this report.

LETTER FROM THE ESSENTIAL WORKER IMMIGRATION COALITION ET AL., SUBMITTED BY THE HONORABLE SHEILA JACKSON LEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS, AND RANKING MEMBER, SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND CLAIMS

July 18, 2006

Chairman and Ranking Member
Representative John Hostettler and Representative Jackson Lee
Subcommittee on Immigration, Border Security and Claims
United States House of Representatives
Washington, DC 20510

Re: Submission for the Record - July 18 Oversight Hearing on "Should We Embrace the Senate's Grant of Amnesty to Millions of Illegal Aliens and Repeat the Mistakes of the Immigration Reform and Control Act of 1986?"

Dear Chairman John Hostettler and Ranking Member Jackson Lee:

The undersigned broad coalition of organizations writes to echo its support and commitment to comprehensive immigration reform. Collectively we call on Congressional leaders to focus on the substance of the issue and on the economic and national security needs of our nation. As evidenced by the calls to action made by the American people, business and labor communities, unions, religious organizations, immigrant rights groups and others, the time to act and repair our broken immigration system is now and the way to do it is comprehensive in nature. Republicans and Democrats from both Chambers of Congress should work together towards a practical compromise that is responsive to our country's needs. Moreover, we urge leaders to remain committed to finding a procedural path that will result in a piece of legislation that addresses the real issues and realities.

We recognize that the House and Senate approach this debate from different perspectives and come to the table with two very different pieces of legislation. Undeniably, negotiations during a conference committee will be difficult. However, it is imperative that this process continue to move forward and not be derailed by partisanship or politics. The undersigned groups remain committed to the comprehensive reform principles below and stand ready to work with Members of Congress to address these issues:

1) Improve national security through smart and targeted enforcement, combined with workable and realistic immigration reform measures that would create disincentives for illegal immigration;

2) The implementation of an efficient, practical and accurate employee verification system. This system should be rolled out in a reasonable manner so as not overly burden employers or employees either financially or functionally;

3) A future guest worker program that will help to meet the employment needs of our economy when U.S. workers are not available and ensures appropriate workplace and wage protections while providing these contributing members of society the opportunity to earn legalization and citizenship; and

4) A path to earned legalization and citizenship for undocumented workers who meet qualifying criteria. This program should include also a fix to the employment and family based immigrant visa process and numerical limitations.

The opportunity before us is a unique one. We must all work together to reform our immigration policies so that we can enhance our security, protect our economy, and continue our heritage as a country of immigrants. The alternative, to do nothing or worse, to do more harm, is not and should not be an option. We urge you as the Chairman and Ranking Member of the House Subcommittee on Immigration, Border Security and Claims to work with leadership towards a solution that Congress and the American people can be proud of.

Sincerely,

Essential Worker Immigration Coalition
U.S. Chamber of Commerce
National Restaurant Association
U.S. Conference of Catholic Bishops
American Immigration Lawyers Association
National Immigration Forum
Tamar Jacoby, Fellow at the Manhattan Institute
National Council of La Raza
Asian American Justice Center
Service Employees International Union
New American Opportunity Campaign
American Nursery and Landscape Association

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