AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

S. HRG. 109–607

COMPREHENSIVE IMMIGRATION REFORM: EXAMINING THE NEED FOR A GUEST WORKER PROGRAM

HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ONE HUNDRED NINTH CONGRESS

SECOND SESSION

JULY 5, 2006

PHILADELPHIA, PENNSYLVANIA

Serial No. J–109–94

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE

30–254 PDF WASHINGTON : 2006

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON THE JUDICIARY

ARLEN SPECTER, Pennsylvania, *Chairman*

ORRIN G. HATCH, Utah
CHARLES E. GRASSLEY, Iowa
JON KYL, Arizona
MIKE DEWINE, Ohio
JEFF SESSIONS, Alabama
LINDSEY O. GRAHAM, South Carolina
JOHN CORNYN, Texas
SAM BROWNBACK, Kansas
TOM COBURN, Oklahoma

PATRICK J. LEAHY, Vermont
EDWARD M. KENNEDY, Massachusetts
JOSEPH R. BIDEN, JR., Delaware
HERBERT KOHL, Wisconsin
DIANNE FEINSTEIN, California
RUSSELL D. FEINGOLD, Wisconsin
CHARLES E. SCHUMER, New York
RICHARD J. DURBIN, Illinois

MICHAEL O'NEILL, *Chief Counsel and Staff Director*
BRUCE A. COHEN, *Democratic Chief Counsel and Staff Director*

CONTENTS

STATEMENTS OF COMMITTEE MEMBERS

	Page
Kennedy, Hon. Edward M., a U.S. Senator from the State of Massachusetts	2
Specter, Hon. Arlen, a U.S. Senator from the State of Pennsylvania	1

WITNESSES

Barletta, Hon. Louis, Mayor, Hazelton, Pennsylvania	11
Bird, Ronald, Chief Economist and Director, Office of Economic Policy and Analysis, Department of Labor, Washington, D.C.	19
Bloomberg, Hon. Michael R., Mayor, City of New York, New York, New York	4
Connelly, Eileen, Executive Director, SEIU Pennsylvania State Council, Harrisburg, Pennsylvania	30
Cortes, Reverend Luis, Jr., President and Chief Executive Officer, Esperanza USA, Philadelphia, Pennsylvania	28
Eichenlaub, Dan, President, Eichenlaub, Inc., Pittsburgh, Pennsylvania	25
Hershey, Hon. Arthur, Pennsylvania House of Representatives, 13th Legislative District, Chester County, Pennsylvania	20
Johnson, Sylvester M., Commissioner, Philadelphia Police Department, Philadelphia, Pennsylvania	9
Rossi, Carol, Corporate Director of Human Resources, Harrisburg Hotel Corporation, Harrisburg, Pennsylvania	23

SUBMISSIONS FOR THE RECORD

Barletta, Hon. Louis, Mayor, Hazelton, Pennsylvania, statement	40
Bird, Ronald, Chief Economist and Director, Office of Economic Policy and Analysis, Department of Labor, Washington, D.C., statement	45
Bloomberg, Hon. Michael R., Mayor, City of New York, New York, New York, statement	51
Boston Globe, June 24, 2006, article	62
Connelly, Eileen, Executive Director, SEIU Pennsylvania State Council, Harrisburg, Pennsylvania, statement	66
Cortes, Reverend Luis, Jr., President and Chief Executive Officer, Esperanza USA, Philadelphia, Pennsylvania, statement	70
Eichenlaub, Dan, President, Eichenlaub, Inc., Pittsburgh, Pennsylvania, statement	78
Hershey, Hon. Arthur, Pennsylvania House of Representatives, 13th Legislative District, Chester County, Pennsylvania, statement	80
Johnson, Sylvester M., Commissioner, Philadelphia Police Department, Philadelphia, Pennsylvania, statement	83
Rossi, Carol, Corporate Director of Human Resources, Harrisburg Hotel Corporation, Harrisburg, Pennsylvania, statement	86
Simcox, Chris, Founder and President, Minuteman Civil Defense Corps, Scottsdale, Arizona, statement	91

COMPREHENSIVE IMMIGRATION REFORM: EXAMINING THE NEED FOR A GUEST WORKER PROGRAM

WEDNESDAY, JULY 5, 2006

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The hearing was convened, pursuant to notice, at 10:20 a.m., in Kirby Auditorium, National Constitution Center, 525 Arch Street, Independence Mall, Philadelphia, Pennsylvania, Hon. Arlen Specter, Chairman of the Committee, presiding.

Present: Senator Kennedy.

OPENING STATEMENT OF HON. ARLEN SPECTER, A U.S. SENATOR FROM THE STATE OF PENNSYLVANIA

Chairman SPECTER. Good morning, ladies and gentlemen.

The U.S. Senate Judiciary Committee will now proceed with our hearing on immigration reform.

We thank the National Constitution Center and its distinguished president, Joe Torsella, for opening up this beautiful, historic museum to the Judiciary Committee to hold this hearing this morning.

There could not be a more fitting place to have a hearing on immigration, considering that we are a Nation of immigrants. Across the green in Independence Hall, this country was founded. On September 17, 1787, the drafters of the Constitution signed the Constitution.

We have, in an adjacent room, bronze replicas of the signers of the Constitution. George Washington presides there, as does Benjamin Franklin, seated with all delegates from all the States, especially Massachusetts and Pennsylvania, and a few from Virginia as well.

Our C–SPAN audience is cordially invited to come to the Constitution Center to see the exhibits which have made this Nation so great.

One of the exhibits features a famous song writer by the name if Irving Berlin. He is pictured in an Army uniform of the Dough Boys in World War I. He came to this country shortly after the turn of the 20th century, as did my father, Harry Specter, who also was a Dough Boy, fought in World War I, and was wounded in action in the Argonne Forest.

Irving Berlin wrote a song, which was not recognized until Kate Smith sang it on Armistice Day of 1938, a song called "God Bless America," which is just one of the contributions of the immigrants

to this country, immigrants which have made this country the great Nation which it is today.

We are working on immigration reform in both the U.S. House of Representatives and in the U.S. Senate. The House has passed legislation which focuses on border control, and the Senate has passed legislation which is comprehensive in nature, taking into account border patrol and employer verification to see to it that those who are employed are here legally, but also dealing with a guest worker program, a program which is necessary for the American economy, a program which has been endorsed by President Bush and by the Speaker of the House of Representatives, Dennis Hastert.

The Senate bill also has a program to deal with the 11 million undocumented immigrants. It is the view of the Senate that you cannot sensibly create an under-class of fugitives who pose problems for national security, who also pose problems for law enforcement and crime control.

We are dead set against amnesty. Amnesty is for forgiving a prior wrong. That is not what the Senate bill does. In order to qualify to stay in the United States and to ultimately qualify for citizenship, those undocumented immigrants must pay their back taxes, must go through a criminal check to be sure they are law-abiding citizens, must hold English, must hold a job for a protracted period of time, and must contribute.

We have a series of witnesses today who will testify about these people who are doing so much today for our country, and a way to deal with them in a sound, comprehensive, humane way, recognizing that we are a Nation of immigrants.

As you see, I am joined by my distinguished colleague, Senator Ted Kennedy from Massachusetts, who has been a leader in so many, many ways in the Senate, on civil rights, on matters of health and education, and on matters of immigration reform.

Senator Kennedy is in his forty-fourth year in the U.S. Senate. He came to the Senate in November 1962 and has been in this field a long time. We welcome him to Philadelphia. He followed the same path as Benjamin Franklin.

[Applause]

STATEMENT OF HON. EDWARD M. KENNEDY, A U.S. SENATOR FROM THE STATE OF MASSACHUSETTS

Senator KENNEDY. Thank you. I, first of all, want to thank Senator Specter, the Chairman of our Judiciary Committee, for having this hearing, and having it here in Philadelphia, really the home of so many of our rights and liberties. All those that were a part of the Declaration of Independence and all those that were a part of the Constitution came from other lands made an extraordinary contribution to the greatest documents of freedom and democracy in the world. All of us have benefited from them here in these United States and in countries throughout the world.

We know that today our system of immigration is broken, and we know that there are simplistic answers to try to deal with it. But Senator Specter and I agree, President Bush agrees, Republicans and Democrats in the U.S. Senate agreed, that what we really need is a comprehensive approach to deal with this issue.

There are those that have a more simplified approach to this issue that say that we just need enforcement only, but all we have to do is look over the last 10 years of what happened with just enforcement only.

We increased our border guards in the southern border by over 300 percent. We spent more than $20 billion. Yet, the numbers that have been coming across our southern border has increased by 300 or 400 percent. Enforcement only is not going to solve our problem.

We cannot solve the issue of our broken immigration laws by simply building more fences at the border and demonizing the 12 million undocumented immigrants, declaring them, the priests, and the Good Samaritans who help them to be criminals and naively hoping that the 12 million will just go on back to their country.

So we are working together. We are having this hearing today because we believe in a comprehensive approach.

We talked earlier, Senator Specter and I, about the contribution of immigrants. I read this morning in the newspaper, coming down here from Boston, about the 76 troops on duty in Iraq that, yesterday, took the oath of citizenship over at the main hall of Saddam Hussein's old hunting palace.

The article quoted Ricardo Cortes who flew into Camp Victory from Rimadi, one of the most hotly contested cities in Iraq, where he spent the last few weeks clearing roads: "I love my job. It is dangerous. There are always things being blown up. We have lost a couple of vehicles, but we make sure other people can drive safely."

The article described Jose DeLeon from Guatemala, who talked about, the pledge to bear arms in the United States which is included in the oath to become a naturalized citizen. He said, "I thought about those words," DeLeon said. "It is my second time of serving the country, but my country has given me so much. I am grateful for it, and that is why I serve."

Senator Specter and I, and our bipartisan group in the Senate, want to welcome those that have something to contribute to the country and keep out those that do not want to help make America a better and stronger land.

[Applause]

Senator KENNEDY. Today's hearing focuses on a number of the important issues included in the legislation.

Finally, we have been asked repeatedly whether there is really time enough to take action in the Senate and to get a real bill passed. Senator Specter and I remember the times that this country came together, and we have the opportunity to come together.

We have the leaders of the great faiths in our country that believe this is a moral issue. We have representatives of the business community that understand the importance of a growing, expanding, and thriving economy.

There are those that represent the worker community that want to make sure we are not going to continue to have the exploitation of the undocumented, as they are at this time, with substandard wages and conditions. They know that the protections that we have in this legislation will protect workers from it.

We have a movement that Americans have seen across the country, of people that spontaneously came out. These people work hard, play by the rules, are devoted to their families, devoted to their faith, and want to make America a better country. So we ought to be able to find ways to do that. That is what this hearing is about.

I thank, again, Senator Specter for having this hearing, and I particularly welcome Mayor Bloomberg, who has been so concerned about this issue. I know Senator Specter will introduce the other witnesses and I look forward to hearing their testimony.

Thank you, sir.

Chairman SPECTER. Thank you very much, Senator Kennedy.

Our practice at a Senate hearing is not to applaud, even when you hear words you like, such as those just uttered by Senator Kennedy. So, just a word of our rules.

We lead with the distinguished mayor of New York City, Mayor Michael Bloomberg, a graduate of Johns Hopkins in Engineering in 1964, and an MBA from Harvard. He had a distinguished career on Wall Street until, his resume says, he was fired in 1980, leading him to organize his own company, which is worldwide, employing 8,000 people.

Elected as mayor of New York City in 2001 and reelected as mayor of New York City in 2005, he has brought a sense of dynamism, a sense of achievement, and a sense of spirit, the second-toughest job in the United States—maybe the toughest job in the United States.

He came down this morning in a helicopter. He is reputed to fly his own helicopter. He is right on time, and we are really honored to have him with us.

We have a 5-minute rule on opening statements, leaving the maximum amount of time for questions and answers.

Mayor Bloomberg, the floor is yours.

STATEMENT OF HON. MICHAEL R. BLOOMBERG, MAYOR, CITY OF NEW YORK, NEW YORK, NEW YORK

Mayor BLOOMBERG. Thank you very much. Good morning, Chairman Specter and Senator Kennedy. Thank you for having me and for calling this hearing.

Immigration reform is really one of the most important issues that Congress faces. I think no city would be more affected by the outcome of that debate than New York City.

To begin with, let me just say how appropriate I think it is that this hearing is held here in Philadelphia. Two hundred and thirty years ago yesterday, just around the corner from here, our Founding Fathers adopted the greatest statement on the right to self-government ever written, and among those who signed the Declaration of Independence were nine immigrants.

It is also true at every other critical stage of American history. From ratification of the Constitution, the Civil War, to the industrial revolution, to the computer age, immigrants have propelled America to greatness.

Today, we really remain a Nation of immigrants. People from around the world continue to come here, seeking opportunity, and

they continue to make America the most dynamic Nation in the world.

But it is clear that we also have a fundamental problem on our hands. Our immigration laws are broken. It is as if we expect border control agents to do what a century of Communism could not, defeat the natural forces of supply and demand and defeat the natural human instinct for freedom and opportunity. You might as well sit on the beach and tell the tide not to come in!

As long as America remains a Nation dedicated to the proposition that all men are created equal, endowed by the Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness, people from near and far will continue to see entry into our country.

New York City alone is home to more than 3 million immigrations, who make up nearly 40 percent of our entire population, and about half a million came to our city, and continue to come, illegally. Let us be honest. They arrive for a very good reason: they want a better life for themselves and their families, and our businesses need them and hire them.

Although they broke the law by illegally crossing our borders or over-staying their visas and our businesses broke the law by employing them, our city's economy would be a shell of itself had they not, and it would collapse if they were deported. The same holds true for our Nation.

For our children to have a bright future, two things are true: a strong America needs a constant source of new immigrants, and in a post-9/11 world, a secure America needs to make sure that these immigrants arrive here legally.

We have a right and a duty to encourage people to come, and at the same time to ensure that no one who is on a terrorist watch list sneaks into our country. Right now, we neither invite those we want, nor keep out those we do not.

If we are going to both strengthen our National security and keep our economy growing, you, our elected legislators, must devise a comprehensive approach to immigration reform.

If you could bear with me for a little more than the 5 minutes, I would like to enumerate what those are. I believe such an approach embodies four key principles: 1) reducing incentives to come; 2) creating more lawful opportunity; 3) reducing illegal access; and 4) accepting reality.

Let me, briefly, outline each one of them. First, we must reduce the incentive to come here illegally. As a business owner, I know the absurdity of our existing immigration regulations all too well. Employers are required to check the status of all job applicants, but not to do anything more than just eyeball their documents.

In fact, hypocritically, the Federal law that Congress wrote, under that, employers are not even permitted to ask probing questions. As a result, fake green cards are a dime a dozen; you can buy one for $50 to $100. Fake Social Security cards are also available. For maybe $125, you can get both cards: such a deal.

As most members of the U.S. Senate recognize, we absolutely must have a Federal data base that will allow employers to verify the status of all job applicants. But for this data base to have any

value, we must also ensure that the documentation job applicants present is incorruptible.

That means we need to create a biometric employment card containing unique information, fingerprints or DNA, for example. Every current job holder or applicant should be required to obtain a card, and every business should be required to check its validity against the Federal data base.

In theory, we already have such a card. It is called your Social Security card. But being a government product, naturally, its technology is way behind the times. By taking advantage of current technology, we can provide the Federal Government with the tools necessary to enforce our immigration laws and protect workers from exploitive and abusive conditions.

I want to be clear that this is not a national identity card, as some have suggested. This is simply a Social Security card for the 21st century. If you do not work, you do not need a card. But everyone who works would need to have an employment card, and everybody that works here legally already has one.

There must also be stiff penalties for businesses that fail to conduct checks or ignore their results. Holding businesses accountable is the crucial step because it is the only way to reduce the incentive to come here illegally.

Requiring employers to verify citizenship status was the promise of the 1986 immigration bill, but it was an empty promise, never enforced by the Federal Government. The failure to enforce the law was largely in response to pressure from businesses, which is understandable, because businesses needed access to a larger labor supply than Federal immigration laws allowed.

Apparently fixing that problem by increasing legal immigration as opposed to looking the other way on illegal immigration was never seriously considered by Congress or the administration until very recently.

Instead, by winking at businesses that hired illegal immigrants, the Federal Government sent a clear signal to those in other countries: if you can make it into our country, you will have no trouble qualifying for employment.

So it is no surprise. People have been coming at such high levels that our border controls simply cannot stop them. Unless we reduce the incentive to come here illegally, increasing our Border Patrol will have little impact on the number of people who enter legally. We will waste the money spent, jeopardize lives, and deceive the public with a false promise of security that everyone knows we cannot deliver.

Second, we must increase lawful opportunity to overseas workers. Science, medicine, education, and modern industries today are growing faster overseas than here in the United States, reversing a centuries-long advantage that we have enjoyed.

Baby boomers are starting to retire. America's birth rate continues to slow and we do not have enough workers to pay for our retirement benefits. The economics are very simple: we need more workers than we have. That means we must increase the number of visas for overseas manual workers who help provide the essential muscle and elbow grease we need to keep our economy running.

It also means we must increase the number of visas for immigrant engineers, doctors, scientists, and other professionally trained workers, the innovators of tomorrow's economy, and we must give all of them, as well as foreign students, the opportunity to earn permanent status so they can put their knowledge and entrepreneurial spirit to use for our country.

Why should we not reap the benefits of the skills foreign students have obtained here? If we do not allow them in, or if we force them to go home, we will be sending the future of science and the jobs of tomorrow with them.

Recent studies put lie to the old argument that immigrants take jobs away from native-born Americans and significantly depress wages. Quite the contrary. They are what makes our economy work. In most cases, those here illegally are filling low-wage, low-skilled jobs that Americans just simply do not want.

Global economic forces are responsible for the declines in the real wages of unskilled workers and occur regardless of whether immigrants are present in a community.

Moreover, the total economic effect of any slight wage increased produced by immigration is more than offset by substantial increases in productivity. To keep businesses and people investing in America, we need to ensure that we have workers for all types of jobs.

Third, we must reduce illegal access to our borders, which, as I have said, is a matter of national urgent security. As President Bush recognizes, in some areas, particularly in border towns, additional fencing may be required; in open desert areas, a virtual wall created through sensors or cameras would be far more effective.

However, even after we double the number of border agents, they will remain overwhelmed by the flood of people attempting to enter illegally. Only by embracing the first two principles, reducing incentives and increasing lawful opportunity, will border security become a manageable task.

Members of the House of Representatives want to control the borders. So do we all. But by believing that increasing Border Patrol alone will achieve that goal is either naive and short-sighted, or cynical and duplicitous. No wall or army can stop hundreds of thousands of people each year.

Fourth, and finally, we need to get real about the people who are now living in this country illegally, in many cases raising families and paying taxes. The idea of deporting 11 or 12 million people, about as many as live in the entire State of Pennsylvania, is pure fantasy.

Even if we wanted to, it would be physically impossible to carry out. If we attempted it, it would be perhaps the largest round-up and deportation in world history. The social and economic consequences would be devastating to this country.

Let me ask you, do you really want to spend billions of dollars on a round-up and deportation program that would split families in two, only to have the very same people, and millions more, illegally enter our country again? Of course not. America is better than that, and smarter than that.

That is why I do not believe that the American people will support the short-sighted approach to this issue taken by the House which would make felons of illegal immigrants.

The Senate approach, the tiered approach, I think is flawed as well. Requiring some people to report to deport through guest worker programs, while leaving their spouses, children, and mortgages behind is no less naive than thinking we can deport all 12 million people. What incentive would people have to show up?

In fact, this approach would just create an enormous incentive for fraud, and there can be little doubt that the black market for false documentation would remain strong and real enforcement impossible.

There is only one practical solution, and it is a solution that respects the history of our Nation: offer those already here the opportunity to earn permanent status and keep their families together.

For decades, the Federal Government has tacitly welcomed them into the work force, collecting their income and Social Security taxes, which about two-thirds of undocumented workers pay, and benefited immeasurably from their contributions to our country.

Now, instead of pointing fingers about the past, let us accept the present for what it is by bringing people out of the shadows and focus on the future of casting those shadows aside permanently.

As the debate continues between the House and the Senate, I urge Members of Congress to move past the superficial debate over the definition of amnesty. Buzz words and polls should not dictate national policies. We need Congress to lead from the front, not the back.

That means adopting a solution that is enforceable, sustainable, and compassionate, and that enables the American economy to thrive in the 21st century. Perhaps now, more than ever, it is time to vote our future rather than pander to rabble rousers and parochial fears.

Only by embracing all four of these principles I have outlined today can we achieve these goals. If one principle is abandoned, we will be no better off than we were after the passage of the law in 1986.

A successful solution to our border problems cannot rest on a wall alone. It must be built on a foundation strong enough to support it, and to support our continued economic growth and prosperity.

Before I close, let me add just one more thing, Mr. Chairman, if I may. There is one more crucially important issue that should be raised about our policies toward those that are here illegally.

Members of the House of Representatives have recently attached an amendment to the appropriations bill that would deny all immigrant Homeland Security and Department of Justice funding to any city or State deemed in violation of the 1996 Federal law.

That law prohibits restrictions on any local and State employee from contacting the Federal Government about someone's immigration status. New York City cooperates fully with the Federal Government when an illegal immigrant commits a criminal act, but our city's social services' health and education policies are not designed to facilitate the deportation of otherwise law- abiding residents.

Our general policy in this area protects the confidentiality of law-abiding immigrants, regardless of their status, when they report a crime or visit a hospital or send their children to school. Without those protections, all of our residents would be less safe and more likely to be at risk for disease.

Do we really want people who could have information about criminals, including potential terrorists, to be afraid to go to the police? Do we really want people with contagious diseases not to seek medical treatment? Do we really want people not to get vaccinated against communicable diseases?

Our policy is carefully crafted to comply with the 1996 law, but some Members of Congress just do not like it. They have asked the Department of Justice to review all local and State policies concerning this issue. We believe the review will validate our approach.

But whatever the findings, let me be perfectly clear: the way to deal with this issue is not by reducing the safety and security of our Nation. There is already much, too much politics in Homeland Security funding, which is one reason why New York City has consistently been short-changed of the money we need to protect our city, but this one would really take the cake.

If Congress attempts to cutoff all of our Homeland Security funding, not to mention Department of Justice funding for many other essential programs, I promise you, you will have one heck of a battle on your hands.

We are not going to let Congress cut and run from New York City, nor can our Nation afford to do it. New York City remains the top terrorist target, and if Congress passes this amendment no one will cheer louder than Al- Qaeda.

Let me close by thanking you, along with the President, for taking this issue of immigration up. I really do urge all the members of your Committee to reject the false promises of easy answers and have the courage to do something that really is necessary and that will work, even if it means to standing up to businesses and those with nativist impulses to ensure our Nation's security and our Nation's prosperity.

Thank you very much.

Chairman SPECTER. Thank you very much, Mayor Bloomberg.

[The prepared statement of Mayor Bloomberg appears as a submission for the record.]

Chairman SPECTER. We now turn to Philadelphia Police Commissioner Sylvester Johnson, a 41-year veteran of the Philadelphia Police Department. He joined law enforcement while I was District Attorney of Philadelphia a few years back, and has been Commissioner since January 4, 2002. He is the recipient of many distinguished awards for valor and competency. He was a key member of the hostage negotiating team.

Thank you very much for joining us, Commissioner, and we look forward to your testimony.

STATEMENT OF COMMISSIONER SYLVESTER JOHNSON, PHILADELPHIA POLICE DEPARTMENT, PHILADELPHIA, PENNSYLVANIA

Commissioner JOHNSON. Thank you very much Senator.

First, I would like to say I agree with everything that Mayor Bloomberg said. In addition to that, I just have a couple more things to add.

Good morning, Senator Specter and Senator Kennedy. Thank you for inviting me here to speak today.

Illegal immigration is a serious problem. However, local law enforcement is not in a position to successfully enforce immigration laws and should not be compelled to be the primary enforcer of these Federal regulations.

The Philadelphia Police Department's first concern is public safety. The police need the community's trust and cooperation to fight crime, and want to keep a good relationship with all members of the immigrant community. If an undocumented person is a victim or a witness of a crime, we want them to come forward. We don't want them to avoid local police for fear of deportation.

Of course, we will investigate anyone involved in the commission of a crime, regardless of immigration status. We enjoy a good relationship with the Federal agency that enforces immigration laws, and that is one way to ensure that illegal immigrants involved in criminal activity do not slip through either system.

Additionally, we do not have the resources needed to enforce immigration laws. Overall, crime is down slightly. However, like many cities, we are dealing with an increase in shootings and murders, and a substantial decrease in Federal and other funding.

Mandatory immigration enforcement would overwhelm police resources and that of other city agencies. No city should be punished for not enforcing immigration laws. By reducing funds, we will be affecting the public safety functions of all city agencies.

There are also a number of legal aspects to consider. Local police primarily enforce the criminal provisions of State law. States laws, and sometimes local ordinances, mandate our responsibilities and limit our conduct. In States with more restrictive laws, local police may be limited in their action against illegal immigrants. In these cases, Federal enforcement would be more effective.

Immigration law is complex. The civil and criminal aspects are often difficult to distinguish. A tremendous amount of time would be needed to train officers about this area. Keeping officers off the streets for long periods of time for training, when violence is increasing could be disastrous. As I have often said, we will not break the law to enforce the law.

As an officer, I promised to uphold the Constitution, and will keep my oath. Civil suits have already been brought against local police in the United States that had assisted in enforcing immigration laws. Federal and State authority to enforce such laws would need to be clarified.

The Major City Chiefs, an organization consisting of fifty-seven chiefs of police, researched this issue and suggested several possible solutions. These include securing our borders, enforcing existing laws, prohibiting the hiring of illegal immigrants, consulting and sharing intelligence with local police, having local law enforcement continue to commit resources against all criminal violators, clarification of authority allowing local police to enforce immigration law, limited liability for such, removing civil immigration detainees from the NCIC system, and incentive-based system of full

Federal funding instead of reductions or a shifting approach would also be beneficial.

Local law enforcement is the first line of defense in protecting our communities. Atrocities can occur when people put nationality, race, and ethnicity before humanity. The Philadelphia Police Department will do everything within our authority to protect and serve anyone who enters our city.

Illegal immigration is a serious problem. It is in everyone's interests to allow those with the expertise, experience, and resources to concentrate on the legal issues. We all benefit when local law enforcement can maintain a good relationship with the immigrant community, allowing us to protect and serve the populace.

In addition to that, law enforcement, by itself, will never change the quality of life. We will never arrest the way out of the problem. International terrorism is a shame, but domestic terrorism is just as bad. Last year, we lost 380 people in the city of Philadelphia. We need our resources to combine in an effort to decrease crime.

Thank you.

Chairman SPECTER. Thank you very much, Commissioner.

[The prepared statement of Commissioner Johnson appears as a submission for the record.]

Chairman SPECTER. Our next witness is Mayor Louis Barletta, from Hazelton, Pennsylvania. He is marked as one of the 10 outstanding mayors in the State. He was elected to the position in the year 2000, after having served on Hazelton's city council, and was reelected in 2004.

Thank you very much for joining us, Mayor Barletta.

We look forward to your testimony.

STATEMENT OF HON. LOUIS BARLETTA, MAYOR, CITY OF HAZELTON, HAZELTON, PENNSYLVANIA

Mayor BARLETTA. Good morning, Mr. Chairman and

Senator KENNEDY. Thank you for your invitation to be here today so I can address an extremely important issue facing our city: illegal immigration.

Late on the night of May 10, 2006, a 29-year-old Hazelton resident, Derrick Kishline, was standing near his truck a few blocks from the heart of our downtown. Two men approached him and shot him in the face from about a foot away. Kishline fell to the pavement and died.

The next day, a 14-year-old boy took out a gun and started firing shots in a crowded city playground, a place I consider sacred ground. Both of these shocking incidents forced Hazelton Police Department detectives and offers to work more than 36 straight hours to solve these crimes.

Four were arrested in the murder case; all four are illegal immigrants. The teenaged gunman was caught and taken into custody while he was carrying 10 bags of crack cocaine. He was also an illegal immigrant.

A few days later, we had a Federal drug bust in Hazelton. Some of those arrested were also illegal immigrants. We have seen a dramatic increase in gang- style graffiti, some of which has included threats to kill police officers.

This graffiti has marred an award-winning redevelopment project that replaced vacant factories with family homes. Those homes and families are threatened by hoodlums who do not respect people or their property. As the mayor, I have had enough.

Hazelton is a small city, an all-American city. We are in the heart of Pennsylvania's anthracite coal region, so we have gone through hard times in the past.

As for our population, our city has exploded from about 23,000 people in the last Census to just over 31,000, according to recent estimates. This is more than a 30 percent increase in just a few years. We have struggled to increase our services to cope with that growth. Our annual budget is just $7 million.

For decades, we might have had a murder once every 7 years, then people would spend the next 6 years talking about it. But the shocking death of Derrick Kishline was the second murder in the city within eight months. Hazelton's residents have been shaken by these, and other high-profile crimes.

The 31 officers of our police department have been stretched to the limit. They have spent hundreds of hours, and the city has spent thousands of dollars, investigating crimes committed by illegal immigrants. Illegal immigration is a drain on Hazelton's limited resources.

Every domestic incident, every traffic accident, every noise complaint, each time we send our police department, fire department, or Code Enforcement Office to respond, it costs taxpayer dollars.

Every minute spent by a police officer, fire fighter, or city official in tackling a problem created by an illegal immigrant is a minute they are not serving the legal population of my city.

We are taking action. I proposed, and the city council tentatively approved, the Illegal Immigration Relief Act. This act has three components. One would punish companies that hire illegal immigrants by denying them permits, making it harder for them to renew permits and forcing the loss of city business.

The second component would hold landlords accountable. Landlords who knowingly rent to illegal immigrants may be fined $1,000 for every illegal immigrant occupying their properties. A final part of the ordinance makes English the language of official city business in Hazelton.

Let me be clear. This ordinance is intended to make Hazelton one of the most difficult places in the United States for illegal immigrants. Only legal immigrants are welcome in Hazelton. Illegal immigrants are not welcome because they are draining our limited resources. My city has taken the first step in securing our future, but we need help.

One of the men who allegedly killed Derrick Kishline had been arrested eight times before. He spent more than a year and a half in jail on various charges, and then he came to Hazelton. What is particularly troubling is that he, as an illegal immigrant, should never have been in the country in the first place, let alone in Hazelton, Pennsylvania.

If others had done their jobs by keeping this murderous thug and his cohorts out of the country, out of Hazelton, Derrick Kishline may still be alive today and Hazelton might not have been forced

to take the dramatic steps we are taking now. We deal with illegal immigration every single day.

In Hazelton is not some abstract debate about walls and amnesty, but it is a tangible, very real problem. This is an issue that will affect every city, borough, and township in Pennsylvania, and the United States, if it does not already. Based on the response we have received in Hazelton, I believe it has.

Chairman Specter, if I may have just a few more seconds.

Chairman SPECTER. Proceed, Mayor Barletta.

Mayor BARLETTA. Since I proposed this measure in mid-June, we have been inundated with more than 7,000 e- mails from people across the country. We have received, overwhelmingly, positive feedback from literally every State, from Alaska and Hawaii, to Maine, our southern border States, and even from our soldiers fighting for our freedom overseas.

We have also sent copies of our ordinance to municipalities around the country. Several townships and boroughs around Hazelton have already begun implementing their own versions.

Communities are crying out for relief. Like every other elected official in the Nation, I took an oath of office to protect my citizens. The measure I proposed seeks to protect the people of Hazelton.

Cities like Hazelton are the lifeblood of America. We are buckling under the strain of illegal immigration, and we need help. If we cannot get it from outside our borders, then we must, and we will, take steps from within to secure our future.

Thank you for your time.

Chairman SPECTER. Thank you very much, Mayor Barletta.

We now move to the portion of our hearing will there will be questions from Senator Kennedy and myself. We will limit our questioning rounds to 5 minutes; we have a very large second panel.

Mayor Bloomberg, you heard Mayor Barletta describe the problems of crime in his city. Obviously, in New York City you could testify to many, many more such incidents in a city the size of New York. It is understandable, as you have testified, about not wanting to report crime victims who may not be here legally, or people who are securing indispensable medical help.

But what balance is there, and what role do you see, if any, for New York public officials, the police department, when finding immigrants who are the criminal element, charged with serious crimes, with substantial evidence? What role do you see, if any, for reporting them to the immigration officials for deportation?

Mayor BLOOMBERG. Well, I do not know what Hazelton, Pennsylvania's experience has been. Our experience in New York is, when you look at who commits crimes, yes, some crimes are committed by illegal immigrants and lots of crimes are committed by people who are third- or fourth-generation Americans. That is just the truth of the matter.

I am sympathetic to Mayor Barletta, but I think that the only way we are going to solve the problem is to have the ID card that is non-forgeable, to do exactly what he is doing in his city, hold employers meaningfully accountable so that they do not go and——

Chairman SPECTER. But when you apprehend someone who is charged with a crime, with substantial evidence——

Mayor BLOOMBERG. If you are arrested in New York City for a crime, we check your immigration status and do followup with the INS. What we do not do, is we do not check your immigration status if you show up at a hospital needing help, if you send your kid to school.

The truth of the matter is, in New York City—and I think it is true nationally—75 percent of all of the undocumented pay taxes, pay Social Security, and do not take any of the benefits.

Chairman SPECTER. Mayor Bloomberg, let me move back to

Mayor BARLETTA. There is a limited amount of time here.

Chairman SPECTER. Mayor Barletta, you talk about holding landlords responsible. Is that going to turn us into a Nation of informants? How far should you go in identifying undocumented immigrants if they are seeking something which is lawful or, as Mayor Bloomberg points out, getting medical care?

Mayor BARLETTA. In the city of Hazelton, the greatest asset we have, Senator Specter, is the quality of life. We are small-town USA. People that live in Hazelton live there because they want their children to be able to play on the playgrounds.

They do not want to be terrified by some of the high- profile crimes that we have seen in our city, mainly by people who do not belong in the country. We are going to relieve the burden from the landlords and take it upon the city to help them with the documentation. I believe this is what cities such as Hazelton have to do.

The debate that I have been following, both in the Senate and the House, addresses mainly our southern border and guest worker programs. I can assure you, the individuals I talked about today are not working anywhere and they are not entering, I believe, through the southern border.

Chairman SPECTER. Commissioner Johnson, what about the Philadelphia Police Department, where you find someone who is charged with a crime with substantial evidence, do you turn them over to INS where they are undocumented immigrants?

Commissioner JOHNSON. Yes. We do the same thing that New York does. Our concern is for people who are a victim of a crime, people who are witnesses to a crime. Some of our best intelligence comes from people in the immigrant community. I think that once we start enforcing laws to the point that the first thing we ask a person who has been victim is, show me your green card, before they share the fact that they have been victimized we will cause more harm than good. The Major City Chiefs discussed these points, fifty-six police chiefs throughout the entire Nation. In order to become a Major City Chief, you have to have a population of 500,000. We debated this constantly and we came to the conclusion that law enforcement took years and years to form relationships with the immigrant community. Here in the city of Philadelphia, we have the Asian Commissioners Advisory Council, the African American Advisory Council, and other groups.

Once we start enforcing immigration law, then we are going to lose that contact. We are going to lose that response from the immigrant community because they are not going to contact us. Nor will they contact us if they have information about other people,

about other violence-type issues, or even with national security. So we are very concerned about that.

Our other concern was that if we did not follow this as Majority City Chiefs, then our entire city would be punished, from the health department to others. You know, law enforcement, by itself, is never going to change the quality of life. It really has to be a holistic-type approach with the health department and other agencies in this city. It is about public security, public health.

So again, as far as law enforcement is concerned, I said, again, we had 380 homicides last year. We also had 1,800 shootings here in the city of Philadelphia. I can tell you, less than 1 percent were illegal immigrants.

Chairman SPECTER. Thank you very much, Commissioner.

One final question, after my red light is on. Mayor Bloomberg, if you did not have undocumented immigrants working in New York City in the hotels, restaurants, and hospitals as domestics, what would the impact be on your city's economy?

Mayor BLOOMBERG. It would be devastating for our city. We estimate there are 500,000 undocumented living in a city of 8.1 million people. A lot of them provide the elbow grease to make the traditional industries you have talked about, whether it is the tourism-related industries of transportation, food and beverage, it is home health care, or it is providing a lot of the cleaning services and driving taxicabs and those kinds of things, but the truth of the matter is, our undocumented go all the way up the ladder to senior people in lots of different institutions.

It is just, without them, the city could not survive in the ways it is. We would not have the tax base for those that need services and we would not have the compassionate kinds of government that I think we have provided.

I was listening to Mayor Barletta talk about the size of Hazelton. It reminded me that New York City may have 8.1 million people, but we have communities, hundreds of them, of the same size that Hazelton, Pennsylvania is, and our people want to be able to go out in their local communities, to parks, to schools, and on the streets and be safe. In fact, they are safe, and we have been able to do that.

The reason we have done it, is we have the world's greatest police department—no offense intended.

[Laughter.]

You can have the second.

[Laughter.]

But that is where the tax base comes from to provide that. The immigrant community in New York City has helped us, it has not hurt us. It is New York City's great strength rather than being a weakness.

Chairman SPECTER. I notice Mayor Barletta raising his hand. No question to you, Mayor Barletta, but if you want to comment, even though I am over time, you may.

Mayor BARLETTA. Thank you. The point I want to make today is the opposite point of view, such as big cities, how they are dealing with it. In small-town America, we have very limited resources to provide services to people, a very small amount of money.

And when I see those resources being used where they should not be, it is concerning and it does affect the quality of life. Our budget, as I said, is minuscule. We are spending the little amount that I do have chasing illegal immigrants around the city of Hazelton.

Chairman SPECTER. Thank you very much, Mayor Barletta.

Senator Kennedy?

Senator KENNEDY. Thank you. Thank you very much.

Mayor Barletta, you agreed that we, the Federal Government, have some responsibility about those bad actors as well whether they come and settle in your community or they settle in New York. Would you agree with that?

Mayor BARLETTA. Absolutely.

Senator KENNEDY. And we really have not done all the things that we should have done. Would you not agree with that?

Mayor BARLETTA. I am dealing with it today.

Senator KENNEDY. So what happens is, if we have a broken system, which I think all of us understand, then people are left to try and deal with it in whatever way they feel they have to deal with it. You stated your views about how to deal with this for your own community.

Would you not agree that if we were able to stop the bad actors from coming in here, that that would be useful in terms of your own community? If we were able to do this in a national way, in a way that could be meaningful—it may take some time—would that not help small towns and communities as well?

Mayor BARLETTA. Yes, Senator Kennedy, if we secured all ports of entry in the United States, not just the southern border. The actors that I am talking about are not working in factories or in plants or looking for a better life, they are dealing drugs and terrorizing good people in our community.

Senator KENNEDY. It is also not just the borders, is it, though?

Mayor BARLETTA. No.

Senator KENNEDY. Because 40 percent of those that are here undocumented just overstayed their visas, coming here legitimately, becoming lost and getting into the community.

So we have to do something about those individuals that come here legally and then just become a part of the undocumented, and those that come across the border illegally. We also have to deal with this in a comprehensive way, would you say, or not?

Mayor BARLETTA. I agree. I also believe that it will take local municipalities to deal with it. I know the debate is whether this is a Federal issue or a local issue. I believe it is a local issue, because we do deal with it every day.

Senator KENNEDY. Well, it certainly would be a local issue because you get the impact of bad actors coming in there. But, it is perhaps something needed at the Federal level, because we have the responsibility of securing our borders and enacting immigration reform.

I think that if we were able to get that done, and have it done right and done well, then many of the smaller communities might not have the problem that you have. We all understand we have a problem.

Mayor Bloomberg, your testimony, and also the Commissioner's testimony, is enormously important and significant. You are the mayor of the city that has been targeted by terrorists, and I think most would agree that it is a city that is targeted repeatedly. It can be New York City, or its subway, or maybe the large cities in Pennsylvania or my city of Boston.

So there really is this National debate about what local law enforcement officials ought to do in this situation, and it is a hotly contested issue and question. Senator Specter and I saw it on the mark-up of our committee, which was divided, and we saw it on the floor of the U.S. Senate.

So you and the Commissioner expressed your view with clarity and passion, that the most effective way of dealing with the issues of enforcement in terms of national security, is by intelligence gathering. This is very significant and if you can just talk about this for a minute.

Let me just mention one thing. If States want to train people on the enforcement of civil immigration laws, the Federal Government provides some training for that.

The State of Alabama has done that training, and we have the results. At least one story shows that they found that of all the drivers that were pulled over in the State of Alabama, 50 percent of them were Latinos, in a State that only has 5 percent Latino population.

They drew the conclusion, at least in this article that it lent itself to sort of racial profiling. I would ask, Mr. Chairman, that this June 24th, 2006 Boston Globe article be made a part of the record—

That aside, how do you respond, as a person that has the prime responsibility, obviously with the Department of Homeland Security, for the security of your community?

In terms of intelligence gathering, as the mayor, what have you found are the advantages or the disadvantages of being able to work with the community in order to provide more security for the city of New York, or for Philadelphia? From your perspective, don't you think law enforcement ought to be looking for criminals rather than immigration violators?

Mayor BLOOMBERG. Well, Senator, at least in terms of New York City, I was looking around this audience and I do not see anybody that I do not think looks like an immigrant, including up here on this stage. We all look like immigrants, and that is one of the problems. You do not know who to go after.

So, you have to have a policy that does not profile, because it would not work and it is also wrong, and you have to have something that will allow companies and the mayor of Hazelton to know with certainty who is here legally and who is not.

We talk about security. I have talked to some of the 1,000 police officers that we have dedicated to intelligence and counter-terrorism in New York City, and a number of them think that if Al-Qaeda was going to send somebody here, they are more likely to come across our northern border than our southern border.

So when you talk about securing borders, I am never sure what you are really talking about. We have coastlines of a couple thousand miles, both on the East Coast and the West Coast.

If you are going to build a real fence around this country, the order of magnitude of funds and troops that you would need is something that, if anybody stopped to think about it, they would realize, that is just not possible.

The good news is that we found, in New York City, if you enforce the laws fairly, you have exactly the same problem with documented and undocumented, with people that have been here forever and people who have just arrived. There are lots of reasons why people commit crimes. Where they come from does not happen to appear to be one of them.

Senator KENNEDY. My time is up.

Commissioner, would you say just a brief word?

Commissioner JOHNSON. I have my lieutenant in charge, one of our Intelligence people, right here today. We talked prior to coming here. The intelligence that is coming from the immigrant community is very, very important.

The other thing is if a person is victimized, we do not want them to worry that we are going to profile them and question them about their green card. We need their help.

I look around the room also. I said I have an Asian Advisory Council, and there are about 40 of them sitting in this room today, or at least there is a large number of them here today. It took us years to build that type of relationship. I think once we start enforcing immigration laws, we are going to lose that relationship within a matter of weeks.

Senator KENNEDY. Thank you, Mr. Chairman. I thank the panel very much.

Chairman SPECTER. Thank you very much, Senator Kennedy.

Thank you, Mayor Bloomberg, Mayor Barletta, and Commissioner Johnson. We very much appreciate your coming in.

We now turn to our second panel. Mr. Ronald Bird, Representative Art Hershey, Ms. Eileen Connelly, Reverend Louis Cortes, Mr. Eichenlaub, and Ms. Rossi.

Would you all please step forward while we thank our departing panelists?

[Applause.]

[Whereupon, at 11:15 a.m. the Committee was recessed and resumed back on the record at 11:22 a.m.]

Chairman SPECTER. Our hearing will resume. Our first witness is a representative from the U.S. Department of Labor, Mr. Ronald Bird, who we thank the Secretary of Labor, the distinguished Secretary Elaine Chao, for sending you here, Mr. Bird.

He is the Chief Economist and Director of the Office of Economic Policy and Analysis. His work includes market data and preparation of materials in support for briefings on employment status and general economic conditions.

He has a Ph.D. in Economics from the University of North Carolina, and has a Bachelor's degree from Huntington College, Montgomery, Alabama.

Thank you for coming in today, Mr. Bird. We look forward to your testimony.

STATEMENT OF RONALD BIRD, CHIEF ECONOMIST AND DIRECTOR, OFFICE OF ECONOMIC POLICY AND ANALYSIS, DEPARTMENT OF LABOR, WASHINGTON, D.C.

Mr. BIRD. Thank you, Senator Specter, Senator Kennedy. I am pleased to be here and to provide you with some information about the demographics of the labor force, and recent trends.

I have prepared a statement with tables and charts which has been provided to you, and I will briefly summarize what I brought with me. I would be pleased to answer any questions you have.

The American labor force is large. At 151 million in May of 2006, the U.S. labor force was the third-largest among the nations of the world, second behind only China and India.

The U.S. labor force is diverse. The American labor force provides opportunity to people from a wider array of races, ethnic backgrounds, and cultures than any other nation.

The U.S. labor market is strong. Unemployment in May of 2006 was a low 4.6 percent, the lowest since July of 2001. We have enjoyed 33 consecutive months of job growth, with payroll employment growing by over 5.3 million since the post-recession turnaround in 2003.

Unemployment today is below historical averages. Since 1948, the unemployment rate has averaged 5.6 percent, compared to today's 4.6 percent. Today's low unemployment rate is an important factor to consider and it is real.

Unemployment is not low because potential workers are sitting on the sidelines. Discouraged workers and others at the labor force margins, those not actively looking for work, are also low.

We are facing both the challenge and the opportunity of a tight labor market. Employers are challenged to find the workers they need, and those who want to work enjoy the opportunity to find good jobs.

The U.S. labor force grew significantly over the past half century. Between 1948 and 2005, the labor force increased from 60.6 million to 149.3 million, a 146 percent increase that saw 88.7 million new workers absorbed into the economy.

The 1.1 percent average annual labor force growth rate of the 1950's increased in the 1960's to 1.7 percent, then to 2.7 percent per year labor force growth in the 1970's.

This remarkable increase in the annual rate of labor force growth in the 1970's reflected two major components: native population growth, as the baby boom generation—my generation—matured and entered the labor force, and also increased labor force participation by women.

The annual average labor force growth rate then began slowing in the 1980's to 1.7 percent per year as population growth slowed, but still maintained a fairly high rate of growth, at 1.7 percent, because the labor force participation of women was still continuing to rise.

Since 1995, labor force growth has averaged even lower, 1.2 percent, and BLS projections for 2006 through 2014 forecast continuing declines in the rate of labor force growth, 1.1 percent in 2006, down to 0.8 percent in 2014.

Slower labor force growth means a tighter labor market, fewer new workers to fill new jobs and vacancies. This will be a good

labor market for job seekers and a challenge for employers seeking to fill new job openings and to fill vacancies as baby boomers retire.

I might mention, in the latest data on job openings from the BLS Job Opening Survey, at the end of April, there were 4.1 million unfilled vacancies in the United States.

The increase in the labor force participation of women over the past half century is a particularly noteworthy fact. If the female labor force participation rate had remained at the 1948 level over the past half century, the labor force today would be 31 million less than it actually is.

It is a sign of the strength, I think, of our economy that we absorbed the influx of 31 million new workers with relative ease. Indeed, I think we are stronger and more productive because of increased labor force participation of women.

Immigrants are also a significant and growing component of the U.S. labor force. In 2005, the 22 million foreign-born workers comprised 14.8 percent of the U.S. labor force.

The demographic characteristics of the foreign-born labor force differ in many respects from the native born: they are more likely to be men, they are younger, they are more likely to be Hispanic or Asian, and they are less educated, on average, than the native-born labor force.

The foreign-born labor force has increased by 1.8 million since 2002. Foreign-born workers accounted for almost 40 percent of the 4.5 million increase in the labor force from 2000 to 2005.

The projected 1 percent labor force growth over the next 10 years will be below the average labor force growth of the 1950's, and well below the 2.7 percent average annual labor force growth of the 1970's, even including this large component of projected foreign-born workers in that total.

At 40 percent almost of labor force growth since 2002, immigrants certainly comprise an important component of overall labor force growth, and of our capacity to maintain growing national output.

I hope this is helpful, and I would be happy to answer your questions.

Chairman SPECTER. Thank you very much, Mr. Bird.

[The prepared statement of Mr. Bird appears as a submission for the record.]

Chairman SPECTER. Our next witness is State Representative Art Hershey. He represents Chester County. He was first elected to the House of Representatives in 1982, and is Chairman of the Pennsylvania House Agriculture and Rural Affairs Committee.

He has hands-on experience in dairy operation in Cockerville, Pennsylvania. He has an extensive educational background from Penn State.

Thank you very much for being with us today,Representative Hershey. The floor is yours.

STATEMENT OF HON. ARTHUR HERSHEY, PENNSYLVANIA HOUSE OF REPRESENTATIVES, 13th LEGISLATIVE DISTRICT, CHESTER COUNTY, PENNSYLVANIA

Representative HERSHEY. Chairman Specter, Senator Kennedy, thank you for this opportunity to testify.

Would you all please step forward while we thank our My name is Art Hershey and I represent historic Chester County in the Pennsylvania House of Representatives. I am also the Chairman of our House Agricultural and Rural Affairs Committee.

Labor-intense agriculture and value-added industries, like food processing, are very important to Pennsylvania. Growing industries, like mushrooms, fruit, vegetables, nursery and greenhouse, and dairy require large work forces. In fact, Pennsylvania ranks tenth in the Nation in the size of our hired farm worker payroll.

Our specialty, agriculture, is much more reliant on labor than the national average. In the end, we are talking about more than just the jobs of farm workers. These industries create thousands of good-paying jobs for Pennsylvanians that would cease to exist if we did not have labor on our farms.

I am talking about jobs providing inputs and supplies, equipment, marketing, packaging, processing, transportation, lending and insurance. Economists tell us there are three to four such jobs created for every single farm worker.

As Agriculture Committee Chairman, I know and care about all these industries in the Commonwealth. My own background is in the dairy industry. Even highly mechanized dairies have a significant need for labor and rely heavily on the immigrant labor force. We need workers year-round. Dairy falls through the cracks of all the existing programs which are for seasonal workers only, or for non-agricultural workers.

Who makes up our farm labor force? In 2002, Pennsylvania farmers employed 67,672 hired laborers; 26,066 were employed 150 days or longer, with the rest in more seasonal jobs.

In 1998, a Department of Labor survey showed that 52 percent of farm workers self-admitted they lacked work authorization. In a regional northeast breakout including Pennsylvania, 65 percent admitted they lacked work authorization.

Also, in 1998, an astounding 99 percent of new entrants into the farm labor force lacked proper status. This clearly shows we lack domestic labor seeking work on our farms.

Private estimates suggest that the overall percentage of farm workers who lack immigration status is approaching 75 percent. It is crucial that we solve the agricultural labor crisis calmly and wisely.

The average farm worker wage in Pennsylvania last year was $9.76 per hour. This is not a problem of minimum wage work. Without immigrant workers, we would not have a labor force. It is that simple.

The industry I really want to talk about today is the mushroom industry. Seventy percent of our Nation's commercial mushroom farms are in Chester County, in my District. More than 500 million pounds are grown in the Stat, 60 percent of all mushrooms grown in the U.S. Every single one is picked by hand.

The crop has an annual value of more than 400 million. They are estimated to be over 5,000 mushroom farm workers in Pennsylvania, most are year-round. The mushroom industry, and in fact all the Pennsylvania agricultural industries I have mentioned here today, need three things out of immigration reform.

For the long term, they need a guest worker program that allows for seasonal and year-round workers. In the near term, they need a transition that allows industry to retain its trained and experienced work force.

Finally, employers need to be assured that the responsibility of the ultimate verification of a worker's legal status lies with the Federal Government, not with the employers, and certainly not with the State government, as some of my well-meaning colleagues in Harrisburg have recently proposed.

Chairman Specter, the bill that you guided to passage in the Senate contains these essential provisions. First, the S. 2611 overhauls the H2A program. While it does extend it to year-round dairy workers, it is a very important provision for Pennsylvania.

It does not extend to year-round mushroom or nursery workers. We would prefer that it does. However, we believe that these, and other, industries could use the new H2C program for positions that do not qualify for H2A.

On the issue of transition, the bill provides for earned legalization for qualifying farm workers willing to pay a fine and meet tough conditions. This is not automatic citizenship, which some call amnesty. Adjustment of status is crucial to the mushroom industry, not to mention other Pennsylvania agriculture sectors.

Some say that we tried legalization for agriculture in 1986, and they say it failed. The failure of the Reagan-era legislation was not the legalization program. Many of the mushroom workers who legalized are now the owners, operators, and managers of our mushroom farms and many other business today.

Rather, the failure of IRCA was the lack of a long- term solution for our farm labor needs. This time, Chairman Specter, the Senate bill does it right. The Agriculture Jobs provision of the bill addresses both the long term and the need for transition.

In closing, I know Pennsylvania agriculture will lose if Congress fails to enact the right reforms in the right way. I urge Pennsylvania's delegation in the U.S. House of Representatives to tone down their rhetoric and come to the negotiating table and produce a final bill that contains these critical reforms. Time is, indeed, of essence.

Thank you for allowing me to speak.

Chairman SPECTER. Thank you very much, Representative Hershey.

[The prepared statement of Representative Hershey appears as a submission for the record.]

Chairman SPECTER. We now turn to Ms. Carol Rossi, Corporate Director of Human Resources for Harristown Development Corporation, the parent company of The Harrisburg Hotel Corporation.

She has been in the hospitality industry in Pennsylvania since 1991. She has a Bachelor's from Florida State, and has more than 575 employees in six locations under her direction.

We appreciate your being with us, Ms. Rossi, and we look forward to your testimony.

STATEMENT OF CAROL ROSSI, CORPORATE DIRECTOR OF HUMAN RESOURCES, THE HARRISBURG HOTEL CORPORATION, HARRISBURG, PENNSYLVANIA

Ms. ROSSI. Thank you. Thank you, Mr. Chairman and Senator Kennedy. Thank you for the opportunity to appear here today.

My name is Carol Rossi. I am the Corporate Director of Human Resources for Harrisburg Hotel Corporation in Harrisburg, Pennsylvania, and I am testifying on behalf of the Pennsylvania Tourism and Lodging Association, and the Pennsylvania Restaurant Association. Both are State- wide associations that represent lodging and restaurants in the Commonwealth of Pennsylvania.

I am responsible for all aspects of human resource functions for my company's four locations, which include a Four-Diamond Hilton in downtown Harrisburg, the Hilton Garden Inn in Hershey, Pennsylvania, a brand-new restaurant in downtown Harrisburg with 160 seats, and Central Penn Business School's Conference Center and student restaurant.

The majority of my staff's time in human resources, their efforts, and most of our budget, is spent directly on the recruitment and hiring process to fill approximately 45 job postings for our various operations on a weekly basis.

Our largest operation, the Hilton Harrisburg, currently has 320 employees and has an average of 25 of those 40 openings on its list. This week, as of June 30, we had 36 openings to fill. The result of that is, when an employee comes to work, they know that they are going to be under-staffed by 10 to 12 percent, on average, and it is incredibly frustrating for both them and for us as the employer.

For both of us, it means a lot more work, longer hours, increased workplace injuries, increased guest complaints, and the list goes on. Overtime may be the only welcome benefit that that employee may receive, although they would much prefer a 40-hour work week, more time with their family, and a more predictable workload.

To respond to these demands, we are constantly in the recruitment mode. We attend an average of 25 job fairs annually, many of which we host ourselves. We spend, at the Hilton Harrisburg alone, over $8,000 a year in classified newspaper ads and recruitment sources to fill most of our openings.

On many of our recruitment trips, we go to colleges, universities, trade schools, and agencies throughout the course of a year, but a lot of those dollars that we spend do not give us the desired results.

Recently, as an example, we hosted a job fair this January to staff our new restaurant that we opened in downtown Harrisburg. We had attractive and costly ads that we placed in the local Harrisburg Patriot News to draw in many candidates. But, disappointingly, we only saw 20 candidates show up to that job fair, 3 of which were qualified to fill the 45 openings at our new restaurant.

Immigrants are fundamental to the success of both the hotel and restaurant industries: 1.6 million restaurant workers are immigrants; one-quarter of food service managers in 2003 were foreign-born, making our industry an industry of opportunity, and one that employs one of the most diverse cross-sections of people from different cultures and backgrounds.

We have utilized organizations, such as the CETUSA and CIEE to assist us in bringing in seasonal workers to fill our numerous openings. Although it is only a short-term fix, it allows us the ability to continue to search for more permanent solutions in the meanwhile. We have hired foreigners with J1 visas; the H2B category has been avoided due to complications, cost, and the restrictive numbers that are allowed.

The process for that H2B worker is very complex. A company must engage in extensive recruiting of possible U.S. workers, be unable to identify an adequate number of U.S. citizens to do the work, obtain certification from the Department of Labor that we have attempted to recruit American workers without success, then obtain certification from the U.S. Department of Labor of the need for workers, then receive approval from the U.S. Department of Homeland Security to identify qualified foreign workers to obtain the approval for the H2B visa from the U.S. State Department. As you can see, that is incredibly complex, lengthy, costly, and very frustrating.

What is apparent, is we cannot fill our positions with the work force that currently exists. Jobs are growing in the hospitality industry and the work force is shrinking. Add to that our declining birth rates in the United States and it becomes apparent that the math just does not work to allow us to move successfully into the future.

Additionally, our work force is an aging one. Many of these jobs are very labor-intensive and physically demanding. Many of these jobs are not attractive to American workers.

As an employer, one of the most absolutely critical tasks we handle on a regular basis is verification of identification for all new hires to prove eligibility to work legally in the United States.

On numerous occasions we have had to discharge an employee after completing the entire employment process because of their inability to provide valid ID when they arrived for orientation.

While this is incredibly frustrating, as we have just finished spending numerous hours and dollars to get the person to this point in the process, we still follow the law to a fault: the employee is terminated and the dollars and time we merely write off to costs of doing business.

We are hopeful that an improved system will be put into place to effectively assist us with this task. We support and understand severe penalties against those who knowingly hire undocumented workers, and also support a safe harbor for good-faith errors, particularly if we are relying on an error-ridden government-provided verification system.

In regards to wages and benefits of our employees, regardless of their classification or nationality, they are hired at the pay rates linked to a particular position, so a housekeeper would receive the same amount of pay whether they are a U.S. citizen or whether they are a foreigner legally allowed to work here.

That upholds the same for the benefits that we provide to our employees. We have a very attractive benefit policy and it is very affordable for our employees and it is very competitive with the manufacturing and retail lines, as well as within the hospitality industry.

Our company's goal is to employ workers that are committed to serving people. The hospitality business is an admirable business, and because our company holds a strong belief in professionalism in our industry we are focused on encouraging our management to achieve those certifications. Currently, 35 of our employees have their professional certifications from the Educational Institute of the Hotel and Lodging Association.

While many people come to us without advanced education, EI allows us to help them grow during their employment and advance in their specific fields with the hospitality business.

Many of our foreign workers have taken advantage of this training and it gives them the confidence to succeed and to continue to grow their careers, while advancing their knowledge base and job skills.

Chairman SPECTER. How much more time will you need, Ms. Rossi?

Ms. ROSSI. Just one moment.

In conclusion—thank you, Mr. Chairman—to succeed, our economy desperately needs workers at both ends of the spectrum, young and less-skilled as well as more educated and highly skilled. Without the flow of immigrant labor, our work force will fall short.

Thank you very much for this opportunity.

Chairman SPECTER. Thank you very much, Ms. Rossi.

[The prepared statement of Ms. Rossi appears as a submission for the record.]

Chairman SPECTER. Our next witness is Mr. Dan Eichenlaub, who has a large, full-scale landscape contracting service in western Pennsylvania, and has been there since 1974. He has an Engineering degree from Penn State and an Entrepreneurial Leadership certificate from the Temper School of Business at Carnegie-Mellon.

Thank you for traveling to Philadelphia today, Mr. Eichenlaub. We look forward to your testimony.

STATEMENT OF DAN EICHENLAUB, PRESIDENT, EICHENLAUB, INC., PITTSBURGH, PENNSYLVANIA

Mr. EICHENLAUB. It is always a joy to come across the State, Mr. Chairman.

Chairman SPECTER. Thank you.

Mr. EICHENLAUB. Also, Senator Kennedy, I am glad to be here today and to speak to all those in attendance.

Again, my name is Dan Eichenlaub, and my brothers and I started Eichenlaub, Incorporated, a landscape contracting company based in Pittsburgh, Pennsylvania back in 1974, and a business that we have tried to grow ever since.

I am part of a Pennsylvania green industry that includes landscape contractors, nurseries, and garden centers that represent the fastest-growing segment of Pennsylvania agriculture, and has about a $5.6 billion impact on the Commonwealth's economy. Nationally, this industry has about a $150 billion impact for the country.

My association, the Pennsylvania Landscape and Nursery Association, and our Federal partner, the American Nursery and Landscape Association, have worked hard to find comprehensive solu-

tions to our Nation's immigration crisis. This crisis includes problems with the H2B visas/seasonal guest worker labor program.

For 5 years, I have been using the H2B visa program to obtain guest workers for positions with my company for which I have been unable to find local workers. The H2B program was designated for seasonal industries.

Remember, not just my company and my industry participate in the H2B program. Minor league baseball players and hockey players come here on H2B visas. So do seafood workers in Maryland and Virginia, salmon processors in Alaska, shrimp and crawfishers in the Gulf.

Resorts, from Hilton Head and Myrtle Beach, South Carolina to Nantucket, Cape Cod, Branson, Mackinaw Island, and our ski communities, from Vermont to California, all have to turn to the H2B program to stay in operation.

America's most beautiful treasures, including the Grand Canyon, Sequoia, and Yosemite National Parks need H2B workers in order to serve visitors from the U.S. and around the world. Stone quarries from New Hampshire to Utah rely on the H2B visa workers as well, and H2B visa workers save lives along our coasts every day, and put out forest fires.

The program represents a critical component in the success of my company and provides workers that I cannot find in my region of the State. I can tell you without hesitation that there are not enough native-born available American workers to fully staff and grow my business.

This is hot, physically demanding seasonal work. Entry-level agriculture and manual jobs are, quite frankly, not the ambition of most young Americans.

If you are unconvinced from myself and my colleagues, witness the requirements of the H2B visa program: I must advertise in the Pittsburgh papers to attempt to fill an open position with an American worker.

If I cannot find an American worker to do the job, I can apply for an H2B visa, at a substantial expense, and with the direction of four separate government agencies. The H2B program requires me to pay a federally mandated rate that is higher than the minimum wage to both my American and my seasonal guest workers.

These workers must go home every year, and I must go through this process again each year as proof that an American worker has not become available for my positions.

Due to program limitations, especially the artificial cap on allowable visas, I risk investing time and money in finding a guest worker who may not obtain authorization to return the next season. If the cap is left artificially low, a black market of unauthorized workers is unintentionally encouraged.

Even with these limitations, the H2B program at least presents an opportunity, maybe the only opportunity for thousands of communities with seasonal employment needs, to obtain an adequate work force. An adequate work force allows me to create and maintain year-round jobs for Pennsylvanians in landscape design, sales, and management.

My Jamaican H2B workers—and I like to point out Jamaican, because I think immigration in my industry is way beyond the

Latinos and Hispanics—do excellent work: they are motivated, they are more than physically competent, and they have a strong work ethic.

Many of my H2B workers have been coming back for several years. These workers are like family to me and my colleagues. They like the program, which allows them to earn a good living and spend their winters with their families back in their homeland. We like the program, which ensures a dedicated, satisfied work force year after year.

However, the program is flawed. It is capped at 66,000 workers per year. Two years ago, the cap hit before my workers' paperwork had been fully processed. That season, I lost my workers and I lost a half a million dollars in potential business revenue as a result.

In 2005, Congress passed the Save Our Small and Seasonal Business Act legislation that greatly extended the program by exempting many returning workers from the cap. However, this was simply a 1-year program extension. The return worker exemption should be made permanent and the cap should be altered to allow the program to realistically expand based on the needs of the American economy.

The Senate has offered some relief. The 3-year extension of the Returning Worker Exemption is a crucial part of this comprehensive immigration reform bill that you passed in May.

The Senate also provided needed solutions and reforms to the landscape and nursery industry, including time- tested and bipartisan provisions for agriculture and the H2A program.

As we heard earlier from Representative Hershey, agriculture is the largest industry in Pennsylvania. Our nurseries, our farms, and our agri-businesses need staffing solutions. We need to keep our workers and we need to fix the broken visa programs, thus matching willing documented workers with willing employers.

Those of us who use and understand these programs know that they create needed legal channels for temporary workers to enter the U.S. safely and legally.

Chairman SPECTER. Mr. Eichenlaub, how much more time do you need?

Mr. EICHENLAUB. About one more second.

They contribute to our economy and return home at the proper time. We all support secure borders. It is ludicrous to think that we can secure our borders without creating workable legal channels like H2B and the proposed new H2C program.

On behalf of the landscape and nursery industry, and of many small businesses across our country, I call upon the House to come to the table to work with the Senate to pass comprehensive immigration reform and fix the H2B program and help grow our small and seasonal businesses.

Thank you, Mr. Chairman.

Chairman SPECTER. Thank you, Mr. Eichenlaub.

[The prepared statement of Mr. Eichenlaub appears as a submission for the record.]

Chairman SPECTER. Our next witness is Reverend Louis Cortes, Jr., President and CEO of Esperanza USA, the largest Hispanic faith-based community development corporation in the country. He served as Vice Chair of the Federal Home Loan Bank Board of

Pittsburgh, and in January of 2005, was featured as one of Time Magazine's 25 most influential evangelicals.

He has a Master's degree in divinity from the Union Theological Seminary and a Master of Science in Economic Development from New Hampshire College.

We appreciate your being here, Reverend Cortes. The floor is yours.

STATEMENT OF REVEREND LUIS CORTES, JR., PRESIDENT AND CEO, ESPERANZA USA, PHILADELPHIA, PENNSYLVANIA

Reverend CORTES. Thank you, Mr. Chairman, and thank you, Senator Kennedy.

Immigration is the number-one issue of concern to 40 million Hispanic American citizens in this country. For us, immigration is about family: grandparents, parents, uncles, sisters, and brothers who have undocumented status. It is about family values, about work, and living productive lives as contributing members of our community.

Mr. Chairman, you asked I address concerns about State and local law enforcement having authorities and responsibilities to enforce Federal immigration law.

Enforcement of Federal immigration statutes must remain a Federal responsibility. It is especially critical that emergency 911 first responders have no enforcement or reporting responsibilities whatsoever.

Giving State and local law enforcement authorities even partial reporting responsibilities for Federal immigration law enforcement would, quite simply, endanger the health and safety of Hispanic and non-Hispanic ommunities and would reverse and disintegrate years of progress in community programs, and transform what is today a close, cooperative, and productive relationship between clergy and State and local law enforcement into an adversarial one.

There is some good news. Today, clergy—not just Hispanic clergy, but all clergy—work with State and local law enforcement. We are often the first to be called when youth get into trouble. Truancies, runaways, and even gang violence are areas where we partner with police. We partner in matters of domestic violence, drug interdiction and enforcement, and police-community relations.

Today, communities are safer, healthier places thanks to years of close collaboration between local law enforcement and clergy. Our charter high school, Nueva Esperanza Academy, participates in the Safe Street Corridors program, where a police squad, working with parent volunteers, create safe passage for children to go to and from school.

Hundreds of programs like these depend on relationships of trust between State and local law enforcement and the faith community. To deputize local police is to break the trust that we have worked so hard to build.

There is, Mr. Chairman, a dark side to this immigration reform. Over 50 million people can no longer call the police to defend and protect them. That is the 12 million undocumented, the 3 million American citizen children of those undocumented, and their 30 to 40 million citizen family members. We would create a second class,

with no access to protection, one that is constantly at risk and vulnerable to the most heinous individuals.

Lifelong criminals would now have easy prey. Violent criminals would have more rights than hardworking members of communities whose only infraction was the misdemeanor offense of entering our country looking for work, or citizens who can no longer count on local police protection because of an undocumented family member.

Take the Safe Corridors program I just mentioned our charter school participates in. Does the same police officer who, today is creating safe passage, now pick up a citizen child to capture the undocumented parent?

Would religious and public after-school programs become sites where police could find undocumented parents as they pick up their children? Hundreds of programs like these would have to shut down.

A separate, but very real, issue for clergy is how to handle police officers who attend our churches. Would we need to create churches solely for our officers? By far the darkest of all new realities would be the many ways criminals would take advantage of law enforcement's role in immigration enforcement to enhance their criminal enterprises.

All undocumented immigrants instantly become targets. Hardworking American citizens who have an undocumented family member in the home becomes susceptible to the blackmailer, making them into victims of crime, or even recruiting them for criminal activity.

Undocumented mothers or their daughters become instant targets for unreported rape and abuse. The rapist will mockingly hand over the phone and dare them to call 911. Unscrupulous police officers will use their new authority to their advantage, forcing the undocumented to bend to their will.

Racial profiling will become standard. Will those of Hispanic descent have to constantly prove our citizenship while others do not? Will I have to have proof of my citizenship even when I sit in my own home? Many will say this will not happen here, but this has happened before, which is why our clergy and I fear this as a very real problem.

During World War II, neighbors turned in their Japanese-American neighbors. Even though we were at war with Japan, today we acknowledge the injustice of the internment camps and of racially profiling all of a particular ethnic descent.

In the 1930's, tens of thousands—possibly more than 400,000—Mexican and Mexican-American citizens were forced to leave our country. Many of those citizens were children who were extradited without due process.

These issues are not limited to Hispanic communities, but would be replicated in Russian-Jewish communities, African-Ethiopian, Asian, and Irish immigrant communities as well.

In closing, Mr. Chairman and Senator Kennedy, I am afraid of the tenor of this immigration dialog, especially by those in our House of Representatives. House Resolution 4437 will make me and thousands of clergy in this country felons for feeding the hungry and taking care of the stranger.

Old and New Testament mandates clergy of many faiths to perform this, regardless of your colleagues' law- making. I have heard members of the House of Representatives say, "Choking off the jobs of illegals will cause them to starve and force them to leave our country."

I stand with hundreds of thousands of my ministerial colleagues who will go to jail if necessary rather than to starve 12 million people and their 3 million American citizen children. Members of Congress should be ashamed of speaking in that manner.

Fortunately, I know there are millions of Americans that will not tolerate the starving of innocent children or of undocumented people in our country. I know this is not the America you have worked so hard to build and protect. I urge you to share with your colleagues in the House and in the Senate the very real dangers contained in the policies that are now being debated.

I thank you again for this opportunity, Senator Specter and Senator Kennedy.

Chairman SPECTER. Thank you very much, Reverend Cortes.

[The prepared statement of Reverend Cortes appears as a submission for the record.]

Chairman SPECTER. We now turn to Ms. Eileen Connelly, who is the Executive Director of the State Council of Service Employees International Union in Pennsylvania.

Ms. Connelly began her career as a medical lab technician in Hazelton St. Joseph Hospital. In the interim, since 1984, she has negotiated many hospital contracts and many of the nursing home contracts.

We appreciate your being here, Ms. Connelly, and we look forward to your testimony.

STATEMENT OF EILEEN CONNELLY, EXECUTIVE DIRECTOR, SEIU PENNSYLVANIA STATE COUNCIL, HARRISBURG, PENNSYLVANIA

Ms. CONNELLY. Thank you, Senator Specter and Senator Kennedy.

SEIU is the largest and fastest-growing union in North America. We currently represent about 1.8 million workers nationally, and we have 60,000 here in Pennsylvania that we represent, mainly in health care, in property services, and in public service employment of State, county, and municipal workers.

We also represent, among them, thousands of immigrants, working as janitors, nursing home assistants, and home health care aides.

SEIU supports comprehensive immigration reform. We believe that the problem is not immigration, but rather a broken immigration system that fails to provide orderly legal channels to come to work in this country within the industries that need workers the most.

It fuels an underground economy where workers have little protection and are forced to work for bad pay and in hazardous conditions, which undermines the standards of all workers.

Our union is working in Pennsylvania, and around the country, to get Congress to pass a "Break the Mold" solution that includes tough, effective work site enforcement, a realistic program to bring

undocumented immigrants out of the shadows and into the legal work force, and a new worker program that channels future immigrants through a controlled, orderly process.

Without comprehensive immigration reform, critical industries in our country, like long-term nursing care and janitorial services, face critical worker shortages. It is estimated that 5 million direct-care workers will be needed by the year 2030 to take care of people, and we do not have enough native-born workers to fill our needs.

Some employers use undocumented immigrant status as a weapon against them, threatening deportation when workers seek to join unions or if they complain about illegal working conditions.

The bottom line is, exploitation of undocumented immigrants drives down wages for all working Americans, and the only solution is for Congress to pass real, comprehensive reform.

First, put simply, an enforcement-only approach will not work. We know that employers have substantial demand for immigrant labor. If we do not create legal channels for workers to come to this country, they will continue to come illegally.

The heart of real immigration reform must be a combination of tough work site enforcement and ample legal flows so that employers have enough workers, and all workers have workplace protections, regardless of their immigration status.

Second, work site enforcement of immigration rules will never succeed as long as millions of existing workers lack legal status, and real reform must move these workers out of the shadows and into the formal economy.

If employers start with millions of undocumented workers already on their payrolls, it is unrealistic to think we can create an effective employer-sanctioned regime.

Third, it is essential that future legal immigrants enjoy the full protection of our labor laws and that any new temporary worker program include strong protections so that temporary workers do not undermine U.S. wages.

Our experience with flawed temporary worker programs offer important lessons for a new worker program to avoid driving down U.S. wages. A new temporary worker program must have strong prevailing wage protections, must regulate the role of foreign labor contractors, must give immigrants the right to join U.S. unions and protect workers during union organizing campaigns.

Every effort must be made to recruit U.S. workers, first. Workers must have portability. They must be able to vote with their feet by changing jobs to avoid employer exploitation and ensure that wages are competitive.

All workers must be able to participate in their neighborhoods, their cities, and communities, which means they must have a path to citizenship. All these protections must be backed by vigorous work site enforcement by State and Federal Department of Labor and other enforcement agents, not by the Department of Homeland Security.

The Senate-passed bill is a good start, but we believe needs improvement both on labor protections and the Title II criminalization and due process provisions, which continue to be very troubling. We continue to hope the bipartisan work demonstrated by the Senate will carry over to the U.S. House of Representatives.

My union knows first-hand the value that immigrants provide to our economy and our union. Hundreds of thousands of our members are immigrants. Unfortunately, too many are undocumented, but they are hard-working and paying taxes, and have lived in the United States for many years. That is why I am here representing them, and representing SEIU.

SEIU continues supporting comprehensive immigration reform, securing our borders both north and south, treating undocumented immigrants firmly, but fairly, by requiring them to undergo background checks, pay a fine, and learn English in exchange for getting on a path to citizenship, and addressing the need in our economy for future workers who have full protection of labor law and enforcement.

Thank you for giving me this opportunity to testify today.

Chairman SPECTER. Thank you very much, Ms. Connelly.

[The prepared statement of Ms. Connelly appears as a submission for the record.]

Chairman SPECTER. We will now proceed to questioning by Senator Kennedy myself. In light of the fact that we have six witnesses, we are going to each have a 10-minute round.

Ms. Connelly, picking up on your testimony, and in line with what Mr. Eichenlaub said about the way of assure that Americans are not available for jobs before immigrants are hired, and looking to avoid an underground economy, which you have testified about, Mr. Bird, of the Department of Labor, has noted that there are 4.1 million jobs which need people at the present time, trying to address the issue of not having others take jobs where Americans can fill them or depressing wages.

What do you think about the adequacy of the provisions of the Senate bill which would require that there be an effort to find U.S. people to fill a job before an immigrant is hired, and the provisions of the amendment offered by Senator Obama from Illinois to have Davis-Bacon as the prevailing wage to make sure that we maintain current standards?

Ms. CONNELLY. I think it is all right to try to hire native-born, American-born people first for jobs. I think that part of what happens, is that those conditions are put on employers and they have to go too far, then jobs are not filled. We know, and it has been testified today, that there are enough American-born folks to fill the jobs that need to be filled.

Chairman SPECTER. Well, are you concerned that there will be jobs taken by immigrants which could be filled by Americans?

Ms. CONNELLY. Not in the industries that SEIU represents. That has not been a concern.

Chairman SPECTER. I talked to a couple of members of the building trades, construction workers, and there is concern there.

Ms. CONNELLY. Yes.

Chairman SPECTER. What we are trying to do, is regulate the influx. Right now, there are complaints that immigrants are taking jobs which American could fulfill. What we are trying to structure is a system where, if the jobs could be filled by Americans, they will be.

But where you hear the testimony from Representative Hershey about farm workers, or you hear Ms. Rossi, about hospitality and

hotel workers, or Mr. Eichenlaub about landscapers, we have a shortage.

Mr. Bird, from the overall point of view of the Department of Labor, what would the impact be on our economy if we did not have many jobs held by undocumented immigrants and if we did not have a guest worker program?

Mr. BIRD. Well, first of all, Senator, we cannot really address the question of undocumented versus documented. The data that is available tells us who is foreign-born, who is a naturalized citizen, versus a non- citizen resident. But other than that, the data that is available does not speak to the documentation status.

Chairman SPECTER. If you have native-born, you know they are citizens.

Mr. BIRD. Right.

Chairman SPECTER. Wait for the question. If you have foreign-born, does the evidentiary base, the statistical base give us any substantial basis for estimating the number of undocumented immigrants?

Mr. BIRD. I have seen estimates that have been made by others based on a pyramid of assumptions. The fundamental data that I see, such as the Current Population Survey data, and so forth, merely asks where you were born.

Chairman SPECTER. Can you give us a professional judgment as to what the status of the economy would be if you did not have immigrants in the work force?

Mr. BIRD. I think, if we did not have immigrants, if we did not have foreign-born workers in the work force, we would have a big hole in our economy. They amount to 14 percent of the labor force, and that would be a hard hole to fill.

Chairman SPECTER. Representative Hershey, what will the impact be on the foreign population, based upon your experience as Chairman of the Pennsylvania House of Representatives Farm and Rural Area Committee?

Representative HERSHEY. If they could not get foreign workers?

Chairman SPECTER. If you could not get immigrant workers.

Representative HERSHEY. Some of the operations would collapse, literally collapse. We advertise in the paper for workers, and local people used to come around the farm when we look for help, but now they do not. So, it went to the immigrant labor. They are very good workers, and if we could not have them, the large operations would collapse.

Chairman SPECTER. Ms. Rossi, how about in your field, in the hospitality line, hotels, restaurants?

Ms. ROSSI. I would estimate that 15 to 20 percent of our work force are foreign workers, so it would have a deadly impact on us. I think that is what gives us, restaurants and hotels, the character of who we are and what we are. You walk down any street and see all the different types of restaurants, it is very much infiltrated with foreign workers.

Chairman SPECTER. How about the landscapers, Mr. Eichenlaub?

Mr. EICHENLAUB. Well, I wholly support it. I do not we have a problem with running the ads that I do every year to make sure there are no American workers available.

I think the challenge that we run up against, just like I did when I could not get American workers and I started through the process to get foreign workers, I spent a ton of money and a lot of time, only to miss the deadline and not get the visas. So, I put the effort in and I did not get them.

But my company specifically would be tremendously hurt. As you heard 2 years ago, when I did not get my guest workers, it cost me about a half a million dollars in revenue that I could not earn because I did not have the work force to do it.

Chairman SPECTER. Mr. Eichenlaub, you say there is $5.6 billion in the Pennsylvania economy. You say, nationally, there is $150 billion in landscaping.

Mr. Bird, this may be an unanswerable question, but occasionally we ask questions like that.

[Laughter.]

Could you project what the figure would be nationally if you did not have an immigrant work force if you have $4.5 billion from landscapers alone?

Mr. BIRD. I could look at that and get something back to you, perhaps.

Chairman SPECTER. All right. That would be fine, if you would take a look at it.

Mr. BIRD. Rather than try to make calculations here.

Chairman SPECTER. And report back?

Mr. BIRD. I would be happy to do that, sir.

[The information appears as a submission for the record.]

Chairman SPECTER. Reverend Cortes, in your testimony you expressed concerns regarding the alien smuggling provisions of the House bill, saying that the term would assist, and the criminal smuggling penalties would "instantly transform all Hispanic clergy and many non- Hispanic clergy from community leaders to Federal criminals."

You also testified today that you are prepared to go to jail.

Reverend CORTES. Yes, sir.

Chairman SPECTER. Well, we do not want that to happen. How much assistance is given on a humanitarian basis by the clergy to immigrants, would you say? Could you quantify?

Reverend CORTES. I can answer this way. Most of the undocumented in the Latino community that come to this country end up in our churches, whether they be Catholic or Protestant. So while we do not do a head count, we know, of the 8 million Hispanic undocumented, a significant portion of them are in our congregations. We feed people, we work with people, we counsel people.

The way that legislation is written, anyone who aids and abets a person who is undocumented, it would create a felony if 4437 would continue, which would make it what we call the Clergy Criminalization Act, because in essence, all clergy, not just Hispanic ministers, but anyone who works with a person who comes to their congregation, would be guilty of breaking that particular law, as it is written.

Chairman SPECTER. Reverend Cortes, if immigration reform did not deal with the 11 million undocumented immigrants—and I would be interested in the response from anybody else in the panel who cares to answer—so that we create an underground economy,

so we create a fugitive class, people who are on the run who may commit crimes—you do not have to be an immigrant to commit a crime, that is clear. But we do have that problem, or the potential for terrorism.

What will we do with the 11 million undocumented immigrants?

Reverend CORTES. What I heard some of our leaders in the House say, is that we need to cut them off from jobs, and if they have no jobs, they cannot have a livelihood. If they have no livelihood, they cannot eat, and if they cannot eat, they will go home.

Senator, there is no way people can go home, because many of the undocumented have no home to go back to. When they speak this way, they are speaking of starving out 12 million undocumented.

To me, I have difficulty thinking, or even understanding, how a Congressperson could say that, understanding that those 12 million undocumented people have 3 million American citizen children.

So what we would, in essence, do, is create an under class of people who would be susceptible to criminals and who would have to figure out how they are going to survive, especially if they have nowhere to go home to, which is the vast majority of them.

Chairman SPECTER. So we would starve out 11 million undocumented immigrants and we would send to jail the humanitarian clergy of America.

Reverend CORTES. That is correct, sir.

Chairman SPECTER. Senator Kennedy?

Senator KENNEDY. Thank you, all. It has been a very worthwhile panel.

I would like to start with Reverend Cortes. Why is this such a moral issue? We had a good hearing with our earlier panel, and with this panel here. We have talked about the problems of enforcement, we have talked about issues on the temporary worker program, we have talked about the complexity dealing with the challenges of immigration reform.

Why do you say that this is a moral issue for our country? I know you are reluctant, perhaps, to speak for others in the religious community, but if you would, why do they feel so strongly about the importance of this issue? If they do, why do they favor a more comprehensive approach?

Reverend CORTES. If you are Jewish, Muslim or Christian, you believe in the Old Testament, and Christians believe in the New Testament. The Old Testament, in Leviticus, the 25th chapter, it talks about how we treat the stranger in our midst.

Senator KENNEDY. Matthew chapter twenty-five?

Reverend CORTES. And in Matthew chapter 25, we talk about the same. For us, a country is judged by how it treats the least of these. For clergy, regardless of their faith, humanitarian issues become more important, even than economic ones.

For people of faith in this country, it is a step backward. We move away from our democratic underpinnings when we shut down borders in a manner that is inappropriate. No clergy has a problem that I know of with protecting the border.

That has never been an issue among clergy. Every nation has a sovereign right. Even Mexico has troops in its southern border; it

is not discussed much, but they do, to protect their southern border.

So the issue really is what do we do as a Nation with 12 million people who came here, most of whom came here because we asked them to directly, or indirectly by economic means.

For the clergy in this country, comprehensive immigration reform would include a guest worker program and provisions for the 12 million undocumented people. It would also need for the House of Representatives and members of the Senate to understand the word "amnesty," because we are running a public relations program that has used the word "amnesty" in an incorrect manner.

So for us as clergy, when we see this, we see members of Congress literally lying about what amnesty and what different provisions that have come forth from the Senate mean.

So we back the Kennedy-McCain bill, we back the Specter bill, we backed Hagel-Martinez. For us, the issue was, what do we do with 12 million undocumented people? Do we become a Nation that hunts people down and creates a fear element within it or do we become a Nation that is strong and continues to foster its heritage?

Senator KENNEDY. Well, I wonder, just continuing along that line, most of us, as you have pointed out, understand that those who come here, work hard, play by the rules, want to provide for their families, and are devoted to their religion.

As we mentioned earlier, 76 individuals in the Armed Forces were naturalized on the Fourth of July in Iraq. More than 70,000 immigrants have served in the Armed Forces.

But let me ask you this. Why is this a family issue? I have listened to you talk with great eloquence about why this is a family issue. I think it is important that we have in the record why we understand that this is both a moral issue and a family issue, and not just provisions in the legislation.

I think you have spoken about why it is a fairness issue. We take great pride in this country about valuing family. I am interested in why you believe that this particular issue is a family issue.

Reverend CORTES. Of the 12 million undocumented, 8 million are Hispanic. Those 8 million, just about all of those 8 million, are related to 40 million Americans who happen to also be Hispanic. It is never discussed, but we have families that sit at the dinner table where you have three or four different statuses.

Many of our people come into this country legally, but they would have to leave after four, six, or eight years because their paperwork cannot get moved, so they choose to stay with family. So it is a family values issue. It is about family, because the vast majority of the folks who are undocumented are, in fact, family members of American citizens.

Senator KENNEDY. I just have a final question for you. I know you are familiar with Cardinal Mahoney, a Catholic Cardinal from Los Angeles. He talked about the House legislation, that not only criminalizes the undocumented but criminalizes individuals that help the undocumented or organizations that help the undocumented. Cardinal Mahoney asked, what am I supposed to tell a mother who is faced with the choice of remaining here in violation of immigration laws or staying with her sick child? He said, I would fall under the provision that criminalizes.

Do you feel, and do members of your community, the religious community, feel the same way on the criminalization provisions?

Reverend CORTES. I would answer in two ways. Hispanic ministers have already stated that they will, in fact, become civilly disobedient. I also know, I was at a meeting where the President of the United States was present, where the head of the Salvation Army said to him that he would march all his people directly to prison.

Senator KENNEDY. I thank you for your response. I only have a few minutes left.

The one point that is worthwhile to understand, is that the legislation has real enforcement provisions. Reverend Cortes, I was there in 1986. That was amnesty. There were no requirements, there were no penalties, there was no review of the work record, there was no requirement of learning English. We had no going to the back of the line.

And when I listened on the floor of the Senate as people talked about it, those were the circumstances. We never had adequate enforcement provisions. This is the big and very important difference, as Senator Specter has pointed out, and Senator McCain and others have pointed out.

There are very important enforcement provisions. We add the 7,000 Department of Homeland Security investigators. We add 2,000 Department of Labor investigators. Currently, there are only 60 or 70 investigators in the Labor Department.

Three cases have been brought by the Labor Department in this last year in terms of the undocumented. So we have what we believe is a balanced program, and a comprehensive one.

I just have a couple of minutes left, and I want to just take those 2 minutes to once again thank Senator Specter for this hearing. We were asked at the press conference before coming in, do you think you are going to hear anything really new? Senator Specter and I have been through comprehensive hearings. The basic structure of the legislation is probably two and a half, three years old. We have had day after day, hour after hour mark-ups, and hours of debate. But today we did learn, or at least I did, and it has been very helpful.

I want to thank Senator Specter for having this hearing, and I want to thank our panelists. This is a complex issue. It takes the best judgment, the cooperation, the good common sense of all Americans to try to get this done. These very important statements and comments we heard today have been extremely constructive and helpful, certainly to this Senator.

The best way that we can really demonstrate our appreciation for your time and effort more importantly to our country, is to pass real, comprehensive immigration reform that is going to protect our borders and provide security. It should also recognize that we have valuable immigrants that have come here. And under the appropriate circumstances we have described, it should give them the opportunity to be part of this American family. We need real enforcement that will reflect our own humanitarian history and tradition. We need to do what is right for this country and also demonstrate to the rest of the world our values by passing a fair, just, and tough-minded immigration policy.

I thank the Senator.

Chairman SPECTER. Well, Senator Kennedy, thank you very much for participating today, and for your leadership. We are moving ahead on this legislation. We will be having further hearings during the recess period in August, nationally.

The House of Representatives is having a hearing today in San Diego, California. There are differences between the House bill and the Senate bill. Last Thursday, a group of members from both the Senate and the House met to talk about ways of coming together.

The President is providing leadership to try to bring the Houses together. It is our job as legislatures to find accommodations. We have a bicameral system. We cannot legislate in the House alone or in the Senate alone, we have to come to an agreement. But that is our responsibility.

So there is no doubt there is a problem, and our job is to find the best answer to the problem. We will work at that, and I believe we can meet that responsibility. That is what we were elected to do, and we will proceed to do it.

We thank the panel for being here today. Mr. Bird, Representative Hershey, Ms. Rossi, Mr. Eichenlaub, Reverend Cortes, and Ms. Connelly, thank you for your testimony. We have learned more and we will continue to learn more, and we are open to suggestions.

Ms. Connelly has ideas as to how to improve the Senate bill. We are open. We are not in concrete. We do not have all the answers. We come to people in the field who know what the problems are to help us provide the answers.

We turn to Reverend Cortes for an understanding as to what the clergy have to say, and what the Hispanic community has to say. Fundamentally, we are a Nation of immigrants.

When I went through the Constitution Center earlier today, it is worth mentioning again, and saw Irving Berlin in a World War I outfit, I thought of my father, who wore the same kind of an outfit.

My father came to this country in 1911 at the age of 18. The Czar wanted to send him to Siberia, and as I said before, he wanted to go to Kansas. It was a close call, but he ended up in Kansas.

[Laughter.]

My mother came as a child of six with her parents, also from Ukraine, and settled in the Midwest. I think my brother, two sisters, and I have contributed to this country. Senator Kennedy has proud Irish roots. Everybody wearing the tee shirt, "Legalize the Irish," are now permitted to applaud.

[Laughter.]

[Applause.]

Chairman SPECTER. Senator Kennedy?

Senator KENNEDY. Well, just as Senator Specter has told the story, I can look out of my office window in the JFK Building in Boston and see the dock, where eight of my great-great grandparents arrived, got off the boat, and then they walked up what they called the Golden Stairs in East Boston. Those docks are still there and those stairs are still there, and it is a constant reminder.

Chairman SPECTER. Well, it is nice to have applause from those wearing the "Legalize the Irish" tee shirts. You did not need the Chairman's permission to applaud. You applauded during the course of the proceeding. There is a little placard in every hearing

room in Washington, "If there is any demonstration, bang the gavel and have the room cleared."

Well, we did not have that little document here so I could not remember what to do.

[Laughter.]

But I believe there needs to be some flexibility in enforcement of the rules for audiences, as well as from immigrants.

That concludes our hearing.

[Applause.]

[Whereupon, at 12:30 p.m. the hearing was adjourned.]

[Submissions for the record follow.]

SUBMISSIONS FOR THE RECORD

June 30, 2006

Good morning

My name is Louis J. Barletta, and I am the Mayor of the City of Hazleton, Pennsylvania.

Thank you for your invitation to be here today so I can address an extremely important issue facing our City – illegal immigration.

Late on the night of May 10th, 2006, a 29-year-old Hazleton City resident, Derek Kichline was standing near his truck a few blocks from the heart of Downtown Hazleton when he was accosted by two men. These men approached him and shot him directly in the face from about a foot away. Kichline fell to the pavement and died.

The very next day, a 14-year-old boy took out a gun and started firing shots in a crowded City playground - a place I consider sacred ground.

Both of these gruesome incidents forced detectives and officers in the Hazleton Police Department to work more than 36 straight hours to solve these crimes. Four were arrested in the murder case. All four are illegal immigrants.

The teenaged gunman was caught and taken into custody while carrying 10 bags of crack cocaine. He is a 14-year-old child - an illegal immigrant.

A few days later, we had a Federal drug bust. Some of those arrested were illegal immigrants.

We've seen a dramatic increase in gang-style graffiti, some of which includes threats to kill our police officers. Graffiti has marred an award-winning redevelopment project that turned vacant factories into family homes.

Now, those homes, those families, are threatened by hoodlums who don't respect people or their property.

As mayor of Hazleton, I have had enough!

Hazleton is a small city, an All-American city. We're in the heart of Pennsylvania's anthracite coal region. Because of that, we've gone through hard times in the past, but just as others have done before us, we have confronted these issues head on.

When I came into office, I was faced with a $1.2 million deficit. We worked hard together as a City and turned our deficit into a surplus in less than two years!

As for our population, our city has exploded from about 23,000 people in the last census to just over 31,000, according to recent estimates. This is more than a 30% increase in population in just a few years.

Because much of that population was drawn to factories outside the city limits, we've struggled to increase our services to cope with the growth and have had a relatively steady tax base. Our annual budget is just $7 million.

For decades, we might have had a murder once every seven years -- then like many other small cities, people would spend the next six years talking about it. But the shooting death of Derek Kichline was the second murder in the city within eight months.

Hazleton's residents have been shaken by these and other high-profile crimes. The 31 officers of our police department have been stretched to the limit.

They have spent hundreds of hours -- and the city has spent thousands upon thousands of dollars -- investigating crimes committed by illegal immigrants. Illegal immigration is a drain on Hazleton's resources.

Every domestic incident, every traffic accident, every noise complaint -- each time we send our police department, fire department or code enforcement office to respond, it costs taxpayer dollars.

We must dig deep into the city's accounts to pay for illegal immigrants, while illegal immigrants do not pay their fair share of taxes, either to the city, the county, the state or the country.

And every minute spent by a police officer, a firefighter, or city official tackling a problem created by an illegal immigrant is a minute he or she is not serving the legal, taxpaying population of my city.

In the City of Hazleton, I proposed, and City Council tentatively passed, the Illegal Immigration Relief Act, a measure that confronts the illegal immigration problem in my town.

My Relief Act is comprised of three components:

One component of this ordinance would punish companies that hire illegal immigrants by denying them permits, for a period not less than five years from its last offense, making it harder for them to renew permits and forcing their loss of city business.

The second area would hold landlords accountable. Because people moving into the city naturally require a place to sleep, our landlords are our first line of defense.

Landlords who knowingly rent to illegal immigrants -- that is, who rent to people without acquiring documentation -- may be fined $1,000 for every illegal immigrant staying on their properties.

The final part of this ordinance makes English the language of official city business in Hazleton.

Let me be clear - this ordinance is intended to make Hazleton one of the most difficult places in the U.S. for illegal immigrants.

Only legal immigrants are welcome in Hazleton. With hard work and determination, Hazleton can be a place where their dreams come true. Illegal immigrants are not welcome here.

Let me preface this by saying that I am proud of our diversity in Hazleton.

Virtually all of our city residents are descended from immigrants. My great grandfather immigrated here from Italy. We all have cultures we embrace.
But government cannot mandate diversity. Government cannot force diversity upon us.

While we as individuals and as a community are free to celebrate our diversity, government must remain impartial, not favoring one culture or another.
Government must work to assist everyone on a level playing field.
To level that field, we must crack down on illegal immigrants who are draining the resources of small communities like Hazleton.

We in Hazleton have taken the first step, but we need help.

One of the men who allegedly killed Derek Kichline had been arrested eight times before. He spent more than a year and a half in jail on various charges, including assault. Then he came to Hazleton.

What is particularly troubling is that he, as an illegal immigrant from the Dominican Republic, should never have been in this country in the first place, let alone in Hazleton, Pennsylvania.

If others had done their jobs by keeping this murderous thug and his cohorts out of the country, out of Hazleton, Derek Kichline may still be alive today, and Hazleton might not have been forced to take the dramatic steps we are taking now.

We deal with illegal immigration every single day.

In Hazleton, it is not some abstract debate about walls and amnesty, but it is a tangible, very real problem.

We need the Federal government's help. Help does not come in the form of passing an amnesty measure in the US Senate. Help comes in the form of true immigration reform that says people who are here illegally have broken the law, and they are no longer welcome.

I ask you today to make our borders stronger by putting up walls and providing more security at our borders. Without securing our borders, how do we ever expect to stop the problem?

I also ask you to give Hazleton the resources it needs to remove the illegal immigrants from our city. I challenge you to open a necessary Immigration and Customs Enforcement (ICE) office in downtown Hazleton.

If we do not and cannot stop illegal immigration in Hazleton, where will we stop it? This is an issue that will affect every single city, borough and township in Pennsylvania and the United States, if it doesn't already.

Based on the response we've received in Hazleton, I believe it has.

Since I proposed this measure a few weeks ago, we have been inundated by more than 7,000 e-mails from people across the country. We've received overwhelmingly positive feedback from all of your states and literally every state in the union, from Alaska and Hawaii to Maine, from our southern border states, and even from our brave soldiers fighting for our freedom overseas.

We've also sent copies of our ordinance to municipalities around the country.

Several townships and boroughs around Hazleton have already begun implementing their own versions.

Communities are crying out for relief.

I, like every other elected official in the nation, took an oath to protect my citizens. The measure I proposed seeks to protect the people of Hazleton.

After cracking down on illegal immigrants, our police can then focus on crimes committed by legal residents. Our other city officials can work to improve the quality of services we offer to legal residents. Our budget will be able to be spent paving more streets, boosting economic development opportunities, hiring more police officers, and improving our shared quality of life.

Cities like Hazleton are the lifeblood of America. We are buckling under the strain of illegal immigration. We need help.

If we cannot get it from outside our borders, we must and we will take steps from within to secure our future.

Thank you for your time.

Mayor Louis J. Barletta
City of Hazleton, Pennsylvania

STATEMENT OF
RONALD BIRD, Ph.D., CHIEF ECONOMIST,
OFFICE OF THE ASSISTANT SECRETARY FOR POLICY
U.S. DEPARTMENT OF LABOR

BEFORE THE

COMMITTEE ON THE JUDICIARY

U.S. SENATE

July 5, 2006

Chairman Specter and members of the Committee: My name is Ronald Bird and I am the Chief Economist in the Office of the Assistant Secretary for Policy at the U.S. Department of Labor. I am here today in response to your request for information regarding demographics of the U.S. labor force and how that may impact immigration policies you are considering. I have prepared a series of tables and charts which have been provided to you and which I will briefly summarize and explain. I will be pleased to answer any questions that you may have regarding this information

The American labor force is large, diverse and dynamic. At 151 million in May 2006, the U. S. labor force was the third largest among the nations of the world – behind only China and India. The U.S. is also the world's third most populous nation –at an estimated 298 million. Table 1 compares the labor force of the U.S with other selected nations. The data reflects estimates published in the CIA World Factbook.

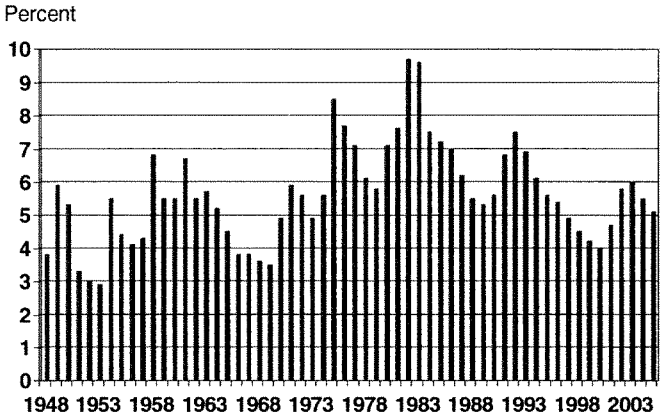
Table 1,
Population, Population Growth, Labor Force, Net Migration, and GDP per Capita

Nation	Population (millions) Est. July 2006	Annual Population Growth (percent)	Annual Net Migration (thousands)	Labor Force (millions) 2005	GDP Per Capita Purchasing Power Parity Dollars 2005
United States	298.4	0.91%	949.1	149.3	$41,800
China	1,300.0	0.59%	-507.0	791.4	$6,800
India	1,100.0	1.38%	-77.0	496.4	$3,300
Mexico	107.4	1.16%	-464.0	43.4	$10,000
Canada	33.1	0.88%	193.6	16.3	$34,000

Source: CIA World Factbook, June 29, 2006, http://www.cia.gov/cia/publications/factbook/index.html

The U.S. labor force is diverse. In 2005, on average the labor force was composed of three major racial groups: Whites (122.3 million) comprised 81.9 percent of the labor

Figure 1. Annual Average Unemployment Rate, 1948-2005



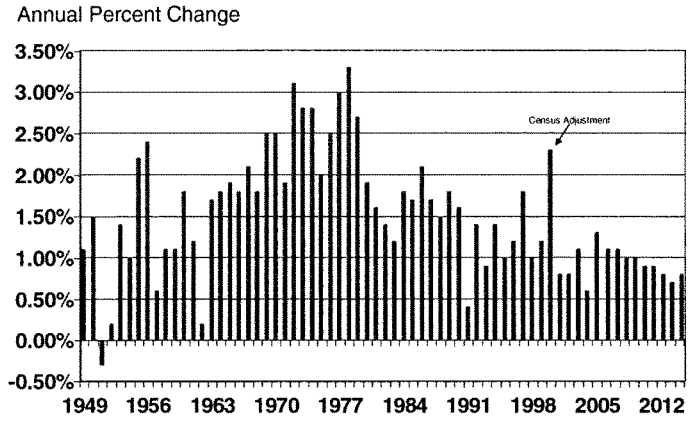
Source: Bureau of Labor Statistics.

force. Black or African Americans (17.0 million) comprised 11.4 percent of the labor force, and Asians (6.5 million) comprised 4.4% of the labor force. Persons of Hispanic (or Latino) ethnicity (who may be of any race) comprised 13.3% of the labor force in 2005 (19.8 million). Since 1974, the size of the Hispanic labor force component has grown from 4.4% of the labor force. The total number of Hispanics in the labor force increased by 15.8 million between 1974 and 2005.

The U.S. labor market is strong. Unemployment in May 2006 was a low 4.6% (the lowest since July 2001), and we have enjoyed 33 consecutive months of job growth with payroll employment growing by over 5.3 million since the post-recession turnaround in 2003. Unemployment today is below historical averages. Since 1948 the unemployment rate has averaged 5.6%. Figure 1 shows average annual unemployment rates from 1948 through 2005. It is notable that the recession-related unemployment peaks have declined steadily since the 1980s.

Unemployment varies across a number of demographic characteristics. In 2005, on average, the unemployment rate for teens (age 16-19) was 16.6%. For men age 20 and older the unemployment rate in 2005 averaged 4.4%, and for women age 20 and older the average unemployment rate was 4.6%. Unemployment rates varied across racial categories in 2005: Whites, 4.4%; Blacks, 10.0%, and Asian 4.0%. For workers of Hispanic ethnicity the unemployment rate in 2005 averaged 6.0%.

Figure 2. Annual Labor Force Growth, Actual1949-2005, and Projected 2006-2014

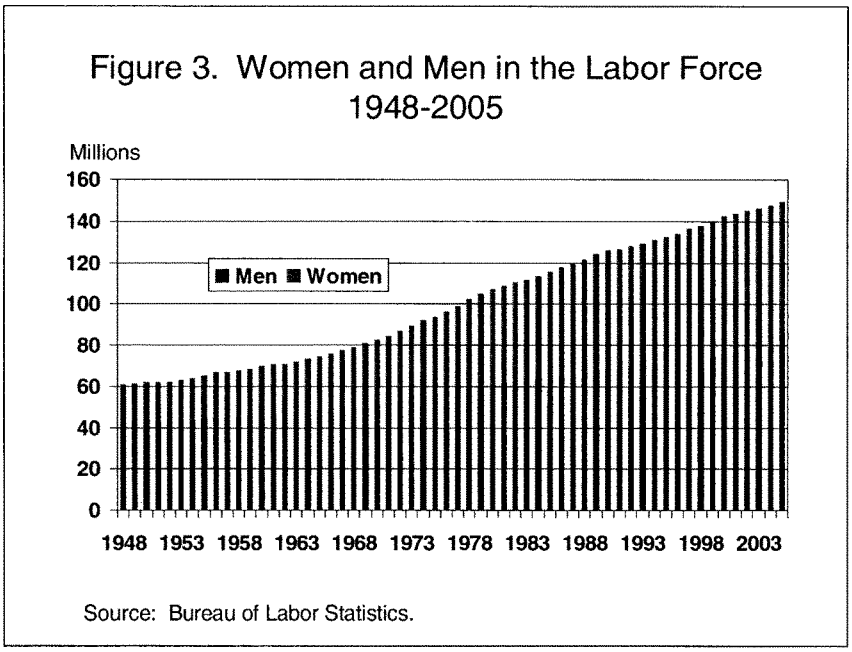


Source: Bureau of Labor Statistics.

The U.S. labor force grew significantly over the past half century. Between 1948 and 2005 the labor force increased from 60.6 million to 149.3 million – a 146% increase that saw 88.7 million new workers absorbed into the economy. Labor force growth averaged 2.4 million per year in the 1970's, declined to 1.4 million per year since 1990, and is projected to average 1.4 million per year for 2006 through 2014.

The percentage rate of growth of the labor force has varied notably over the period. Figure 2 shows annual average labor force growth from 1949 through 2005. The annual rate of labor force growth trended upward in the 1960s and 70s. The 1.1% average annual labor force growth rate of the 1950s increased to 1.7% in the 1960s and to 2.7% in the 1970s. This remarkable increase in the annual rate of labor force growth reflected two major components – native population growth as the post-war baby boom generation matured and increased labor force participation of women. The annual average labor force growth rate slowed to 1.7% in the 1980s, as population growth slowed but the labor force participation of women continued to boost the labor force into the 1990s.

Since 1995 labor force growth has averaged 1.2% annually – comparable to the 1.1% annual growth rate of the 1950's. The unusually large labor force growth shown in Figure 2 for the year 2000 (2.3%) reflects an adjustment for revised population controls on the monthly survey data following the results of the 2000 Census. The increase in labor force for 2000 includes a "catch-up" component to offset underestimates of the total level in several prior years. The annual labor force growth in 2005 was 1.3%. BLS



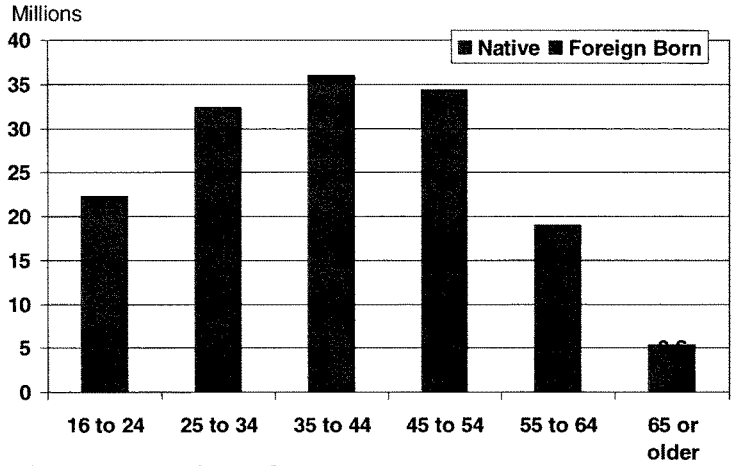
projections for 2006 through 2014 forecast continuing declines in the rate of labor force growth (1.1% in 2006 and 0.8% by 2014).

Figure 3 shows the labor force by male and female components over the past half century. In 1948, women comprised just 28.6% of the labor force. The labor force participation rate for women was 32.7% -- on average less than one in three women sought work in the civilian labor market in 1948. By 1980, the female labor force participation rate had risen to 51.5% and women comprised 42.5% of the labor force. Women's labor force participation rate increased further in the 1980s and by 1995 their labor force participation rate was 58.9% and they comprised 46.0% of the labor force. Since 1995, the increase in women's labor force participation rate has slowed: In 2005, the female labor force participation rate was 59.3% and women comprised 46.4% of the labor force – proportions little changed from 1995.

The increase in labor force participation of women over the past half-century has had a major impact on the U.S. labor market. If the female labor force participation rate had remained at the 1948 level over the past half century, the labor force today would be only 118.2 million – 31 million less than 2005's average labor force of 149.3.

Immigrants are a significant and growing component of the U.S. labor force. In 2005, the 22.0 million foreign born workers comprised 14.8% of the U.S. labor force. Foreign born

Figure 4. Age Distribution of Foreign-born and Native Labor Force Participants, 2005



Source: Bureau of Labor Statistics.

workers included 13.3 million men and 8.8 million women on average in 2005. The foreign born labor force component has increased by 1.8 million since 2002.

The 32.6 million foreign born civilian population age 16 and over comprised 14.4% of the total U.S. population age 16 and older in 2005. The labor force participation rate for foreign born workers, 67.7% was higher than the 65.8% native labor force participation rate. The unemployment rate for foreign born workers was 4.6% in 2005, compared to an average unemployment rate of 5.2% for native workers.

The demographic characteristics of the foreign-born labor force differ in many respects from those of the native born. Men made up a larger proportion of the foreign-born labor force (60 percent) in 2005 than they did of the native-born labor force (52 percent).

The proportion of the foreign-born labor force made up of 25- to 54-year olds was higher (76%) than for the native-born labor force (68%). Figure 4 shows native and foreign born shares of the workforce by age cohorts in 2005. Foreign-born workers accounted for 11.1% of the age 16 to 24 labor force, 18.8% of 25 to 34 age group, 17.1% of the 35 to 44 age group, 13.0% of the 45 to 54 age group, 12.0% of the 55 to 64 group, and 10.7% of the age 65 or older labor force.

Persons of Hispanic ethnicity comprised 49 percent of the foreign-born labor force in 2005, and 22 percent was Asian. These proportions compare to 7 and 1 percent,

respectively, of the native-born labor force. One out of 5 of the foreign-born labor force was white, compared with nearly 4 out of 5 of the native-born labor force.

In terms of educational attainment, 28 percent of the foreign-born labor force 25 years old and over had not completed high school in 2005, compared with about 7 percent of the native-born labor force. About equal proportions of both the foreign and native born had a bachelor's degree and higher (31 and 33 percent, respectively).

The foreign-born labor force has increased by 1.8 million since 2002. Foreign-born workers accounted for 39.6% of the 4.5 million increase in the labor force from 2002-2005. The projected 1.0% labor force growth for 2004 - 2014 will be below the average labor force growth rate of the 1950s and well below the 2.7% average annual labor force growth rate of the 1970s. Recent and projected labor force growth includes the effects of both native population growth and growth from immigration. At 39.6% of labor force growth since 2002, immigrant workers comprise an important component of overall labor force growth and of our capacity to maintain growing national output.

I hope that this summary of labor market information is helpful to your deliberations. I will be pleased to address your questions.

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

TESTIMONY OF
MICHAEL R. BLOOMBERG

MAYOR
CITY OF NEW YORK

TESTIMONY BY MAYOR MICHAEL R. BLOOMBERG
U.S. SENATE JUDICIARY COMMITTEE
PHILADELPHIA, PA
07/05/06, 10:00 A.M.

Good morning, Chairman Specter and Senator Kennedy. Thank you for calling this hearing and inviting me to testify.

Immigration reform is one of the most important issues this Congress faces, and no city will be more affected by the outcome of the debate than New York.

To begin, let me say how appropriate it is that this hearing is taking place here in Philadelphia. Two hundred and thirty years ago yesterday, just around the corner from here, our founding fathers adopted the greatest statement on the right to self-government ever written.

Among those who signed the Declaration of Independence were nine immigrants, and at every other crucial stage in American history – from ratification of the Constitution to the Civil War to the Industrial Revolution to the computer age – immigrants have propelled America to greatness.

Today, we remain a nation of immigrants. People from around the world continue to come here seeking opportunity, and they continue to make America the most dynamic nation in the world. But it's clear we also have a problem on our hands – our immigration laws are fundamentally broken.

It's as if we expect border control agents to do what a century of communism could not: defeat the natural market forces of supply and demand… and defeat the natural human desire for freedom and opportunity.

You might as well as sit in your beach chair and tell the tide not to come in.

As long as America remains a nation dedicated to the proposition that "all men are created equal, endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness," people from near and far will continue to seek entry into our country.

New York City alone is home to more than three million immigrants, who make up nearly 40 percent of our entire population. About 500,000 came to our City – and continue to come – illegally.

And let's be honest: they arrive for a good reason – they want a better life for themselves and their families, and our businesses need them and hire them!

Although they broke the law by illegally crossing our borders or overstaying their visas, our City's economy would be a shell of itself had they not, and it would collapse if they were deported. The same holds true for the nation.

A strong America needs a constant source of new immigrants. And in a post-9/11 world, a secure America needs to make sure that those immigrants arrive here legally.

We have a right – and a duty – to encourage people to come, and at the same time, to ensure that no one who is on a terrorist watch list sneaks into our country.

Right now, we neither invite those we want, nor keep out those we don't.

If we are going to both strengthen our national security and keep our economy growing, we need a comprehensive approach to immigration reform.

I believe that such an approach must embody four key principles: 1) reducing incentives; 2) creating more lawful opportunity; 3) reducing illegal access; and 4) accepting reality.

Allow me to me briefly outline each of them.

First, we must reduce the incentive to come here illegally. As a business owner, I know the absurdity of our existing immigration regulations all too well.

Employers are required to check the status of all job applicants, but not to do anything more than eyeball their documents.

In fact, hypocritically, under Federal law that Congress wrote, employers are not even permitted to ask probing questions.

As a result, fake "Green cards" are a dime a dozen – you can buy one for 40 bucks. Fake Social Security cards are also easily obtained.

And for $50 cash, you can get both cards. Such a deal!

As most members of the U.S. Senate recognize, we absolutely must have a Federal database that will allow employers to verify the status of all job applicants.

But for this database to have any value, we must also ensure that the documentation job applicants present is incorruptible. That means we need to create a bio-metric employment card containing unique information – fingerprints or DNA, for instance.

Every current job holder or applicant would be required to obtain a card, and every business would be required to check its validity against the Federal database.

In theory, we already have such a card – it's called your Social Security card. But being a government product, its technology is way behind the times.

By taking advantage of 21st Century technology, we can provide the Federal government with the tools necessary to enforce our immigration laws and protect workers from exploitative and abusive conditions.

I want to be clear that this is not a national ID card, as some have suggested. This would be an employment card for the 21st Century.

If you don't work, you don't need a card. But everyone who works would need to have an employment card.

There must also be stiff penalties for businesses that fail to conduct checks or ignore their results.

Holding businesses accountable is the crucial step, because it is the only way to reduce the incentive to come here illegally.

Requiring employers to verify citizenship status was the promise of the 1986 immigration reform law. But it was an empty promise, never enforced by the Federal government.

The failure to enforce the law was largely in response to pressure from businesses – which is understandable, because businesses needed access to a larger labor supply than Federal immigration laws allowed.

Apparently, fixing that problem by increasing legal immigration, as opposed to looking the other way on illegal immigration, was never seriously considered by Congress, until very recently.

Instead, by winking at businesses that hired illegal immigrants, the Federal government sent a clear signal to those in other countries, if you can make it into our country, you'll have no trouble qualifying for employment.

And so – it's no surprise – people have been coming at such high numbers that our border control simply cannot stop them.

Unless we reduce the incentive to come here illegally, increasing our Border Patrol will have little impact on the number of people who enter illegally.

We will waste the money spent, jeopardize lives, and deceive the public with a false promise of security that Congress knows it can't deliver.

Second, we must increase lawful opportunity for overseas workers.

Science, medicine, education, and modern industries today are all growing faster overseas than here in the U.S., reversing the century long advantage we've enjoyed.

Further, baby boomers are starting to retire, America's birthrate continues to slow, and we don't have enough workers to pay for our retirement benefits.

The economics are very simple: We need more workers than we have.

That means we must increase the number of visas for overseas manual workers, who help provide the essential muscle and elbow grease we need to keep our economy running.

It also means we must increase the number of visas for immigrant engineers, doctors, scientists, and other professionally trained workers—the innovators of tomorrow's economy.

And we must give all of them, as well as foreign students, the opportunity to earn permanent status, so they can put their knowledge and entrepreneurial spirit to use for our country.

Why shouldn't we reap the benefits of the skills foreign students have obtained here?

If we don't allow them in, or we force them to go home, we will be sending the future of science—and the jobs of tomorrow—with them.

Recent studies put the lie to the old argument that immigrants take jobs away from native-born Americans and significantly depress wages. Quite the contrary – they are what make our economy work.

In most cases, those here illegally are filling low-wage, low-skill jobs that Americans do not want.

Global economic forces are responsible for the declines in the real wages of unskilled workers and occur regardless of whether immigrants are present in a community.

Moreover, the total economic effect of any slight wage decline produced by immigration is more than offset by substantial increases in productivity. To keep people and businesses investing in America, we need to ensure that we have workers for all types of jobs.

Third, we must reduce illegal access to our borders, which, as I've said, is a matter of urgent national security.

As President Bush recognizes, in some areas, particularly in border towns, additional fencing may be required; in open desert areas, a virtual wall—created through sensors and cameras—will be far more effective.

However, even after we double the number of border agents, they will remain overwhelmed by the flood of people attempting to enter illegally.

Only by embracing the first two principles—reducing incentives and increasing lawful opportunity—will border security become a manageable task.

Members of the House of Representatives want to control the borders. So do all of us here. But believing that increasing border patrols alone will achieve that goal is either naïve and short-sighted, or cynical and duplicitous.

No wall or army can stop hundreds of thousands of people each year.

Fourth, and finally, we need to get real about the people who are now living in this country illegally – in many cases raising families and paying taxes.

The idea of deporting these 11 or 12 million people – about as many as live in the entire state of Pennsylvania – is pure fantasy.

Even if we wanted to, it would be physically impossible to carry out.

If we attempted it – and it would be perhaps the largest round-up and deportation in world history – the social and economic consequences would be devastating.

Let me ask you: Would we really want to spend billions of dollars on a round-up and deportation program that would split families in two – only to have these very same people, and millions more, illegally enter our country again?

Of course not.

America is better than that – and smarter than that.

That's why I do not believe that the American people will support the short-sighted approach to this issue taken by the House, which would make felons of illegal immigrants.

The Senate's tiered-approach, however, is flawed, too.

Requiring some people to "report to deport" through guest worker programs—while leaving their spouses, children, and mortgages behind—is no less naïve than thinking we can deport 12 million people.

What incentive would people have to show up?

In fact, this approach would just create an enormous incentive for fraud, and there can be little doubt that the black market for false documentation would remain strong and real enforcement impossible.

If we're going to create a market for deceit, why not have Uncle Sam sell the fake papers, so we can at least get paid for it?

It would be absurd, of course, but no less so than expecting people to line up for deportation.

There is only one practical solution, and it is a solution that respects the history of our nation: Offer those already here the opportunity to earn permanent status and keep their families together.
For decades, the Federal government has tacitly welcomed them into the workforce, collected their income and Social Security taxes, which about two-thirds of undocumented workers pay, and benefited immeasurably from their contributions to our country.

Now, instead of pointing fingers about the past, let's accept the present for what it is by bringing people out of the shadows, and focus on the future by casting those shadows aside, permanently.

As the debate continues between the House and Senate, I urge members of Congress to move past the superficial debate over the definition of "amnesty."

Buzz words and polls should not dictate national policies.

We need Congress to lead from the front, not the back, and that means adopting a solution that is enforceable, sustainable, and compassionate—and that enables the American economy to thrive in the 21st century.

Only by embracing all four of the principles I've outlined today can we achieve those goals. If one principle is abandoned, we will be no better off than we were after passage of the 1986 law.

A successful solution to our border problems cannot rest on a wall alone; it must be built on a foundation strong enough to support it, and to support our continued economic growth and prosperity.

Before I close, there is one more critically important issue I'd like to raise about our policies towards those who are here illegally.
Members of the House of Representatives have recently attached an amendment to the Appropriations bills that would deny all federal homeland security and Department of Justice funding to any city or state deemed in violation of a 1996 federal law.

That law prohibits restrictions on any local or state employee from contacting the federal government about someone's immigration status.

New York City cooperates fully with the Federal government when an illegal immigrant commits a criminal act, but our City's social-services, health, and education policies are not designed to facilitate the deportation of otherwise law-abiding residents.

Our general policy in this area protects the confidentiality of law-abiding immigrants, regardless of their status, when they report a crime, or visit a hospital, or send their children to school.

Without these protections, all our residents would be less safe and more likely to be at-risk for disease.

Do we really want people who could have information about criminals – including potential terrorists – to be afraid to go the police?
Do we really want people with contagious diseases not to seek medical treatment?

Do we really want people not to get vaccinated against communicable diseases?

Our policy is carefully crafted to comply with the 1996 law, but some members of Congress don't like it. And so they have asked the Department of Justice to review all local and state policies concerning this issue.

We believe the review will validate our approach, but whatever the findings, let me be clear: the way to deal with this issue is not – not – by reducing the safety and security of our nation.

There is already much too much politics in homeland security funding, which is one reason why New York City has consistently been short-changed of the money we need to protect our City.

But this would really take the cake.

If Congress attempts to cut off all of our homeland security funding, not to mention DOJ funding for many other essential programs, I promise you will have one heck of a battle on your hands.

We are not going to let Congress cut-and-run from New York City – nor can our nation afford it.

New York remains the country's top terror target, and if Congress passes this amendment, no one will cheer louder than al-Qaeda.

Let me close by thanking you, along with President Bush, for taking up the issue of immigration reform.

I urge the members of this panel, and all members of Congress, to reject the false promise of easy answers, and to have the courage to do everything necessary – and that means standing up both to businesses and those with nativist impulses – to ensure our national security and prosperity.

Thank you and I would be happy to answer your questions.

###

Copyright 2006 **Globe** Newspaper Company
The **Boston Globe**

June 24, 2006 Saturday
THIRD EDITION

SECTION: NATIONAL/FOREIGN; Pg. A1

LENGTH: 1116 words

HEADLINE: ALA. TROOPERS' IMMIGRATION DUTIES DRAW FIRE ALA. TROOPERS' IMMIGRATION DUTIES DRAW FIRE

BYLINE: BY YVONNE ABRAHAM, **GLOBE** STAFF

BODY:

In the three years since state troopers in **Alabama** were empowered to enforce federal immigration laws, they have arrested nearly 200 undocumented immigrants, mostly people they encountered during routine traffic stops for offenses such as failing to wear a seat belt or having a broken taillight.

Alabama troopers say the unusual agreement between the state and the federal Department of Immigration and Customs Enforcement similar to the one Governor Romney is seeking for state troopers in Massachusetts has been a success. **Alabama's** governor, Bob Riley, recently requested that more troopers be trained by Immigration and Customs Enforcement.

"Troopers were on a daily basis confronted with situations they were [not equipped] to handle," said Martha Earnhardt, spokeswoman for the **Alabama** Department of Public Safety. "Their jobs haven't changed, but this gives them an additional resource."

But the agreement has touched off controversy. Immigrant and civil rights activists contend it has led to police officers engaging in racial profiling, and has undermined immigrants' trust in law enforce ment. They say **Latino** drivers are being pulled over for extremely minor offenses, such as having a torn registration sticker on their license plate or having one tire cross over a lane divider on the highway.

Olivia Turner, executive director of American Civil Liberties Union of **Alabama,** said that while there has been no study of the effect of the agreement, immigrants and advocates have told her they are being stopped more frequently now.

"It has been abused," Turner said. "There has been extensive racial profiling. This has put up a wall between the immigrant community and law enforcement."

The agreement, authorized by federal legislation in 1996, has given the extra powers to 44 **Alabama** state troopers, who were given 4 1/2 weeks of training by Immigration and Customs Enforcement officials in laws and procedures, civil rights, and in how to avoid racial profiling.

Previously, **Alabama** troopers, like their Massachusetts counterparts, had no authority to arrest undocumented immigrants for being in the country illegally.

While only 44 officers were trained for the program, the effect has been more far-reaching, Earnhardt said, because other troopers who suspect someone is undocumented call upon those trained to step in.

The **Alabama** troopers work closely with officials from Immigration and Customs Enforcement, who complete the deportation processes troopers begin. Those arrested can be held at local jails or in federal detention centers.

Elected officials and immigrant advocates in Massachusetts have criticized Romney's proposal because they believe enforcing federal immigration laws will drain troopers' resources, distract them from their other duties, and harm community relations.

Romney and his spokesman, Eric Fehrnstrom, have rejected those arguments.

While he said he could not comment on criticisms of the **Alabama** program, Fehrnstrom said extensive training would prevent similar problems in Massachusetts.

"The State Police is a supremely professional organization that conducts itself according to the highest possible standards," he said. "We are confident that they will carry out this mission in a way that will bring honor to themselves and make the people of Massachusetts proud."

Earnhardt said state police resources have not been strained as a result of the agreement in **Alabama.**

The first person in **Alabama** arrested under the expanded powers was a woman who applied for a driver's license in Montgomery, and presented forged documents at the registry counter. A trooper at the registry consulted another trooper who had received the special immigration enforcement training, which resulted in the arrest.

In another case, a man was arrested as he applied for a driver's license in Huntsville; the Korean who presented somebody else's green card for identification had previously been convicted of armed robbery and other offenses, Earnhardt said.

In Chilton County, a trooper pulled over a van for speeding and discovered that 13 of the 15 men in it had no documents, so they were arrested.

Immigration officials yesterday could not determine whether those arrests resulted in

deportation.

Immigrant advocates say a desire to root out undocumented immigrants has led to troopers making arrests "they would never make in other circumstances," said Christine Freeman, executive director of the Federal Defenders Office in **Alabama's** middle district.

Some of the people she has defended in federal court have been arrested by troopers for driving too close to the car in front. State law calls for one car length for every 10 miles per hour the car is traveling.

"Nobody follows that rule," Freeman said. "We also had a client stopped for having a registration tag that one inch square in the corner of the license plate that says what year it is that was torn."

In that case, Freeman said, the trooper arrested the Guatemalan driver for having no driver's license, and for having a false document in his possession.

He was subsequently ordered out of the country.

She said immigration laws should be policed some other way than through traffic laws.

"They're enforcing laws not being enforced against anybody else," she said.

In one case, Freeman subpoenaed all of the consent forms a state trooper had issued to drivers before he searched their cars. She found that half of them had been issued to **Latino** drivers, even though **Latinos** account for only 5 percent of **Alabama's** population.

Turner, of the American Civil Liberties Union of **Alabama,** said that in early meetings with state officials, she was assured that the new authority would be used only to help fight the threat of terrorism.

Freeman said she was told that the powers would be reserved for use only against "the worst of the worst" offenders, immigrants with criminal convictions or serious violations.

Instead, Freeman said, she has seen an increase in immigrants deported for civil immigration violations.

"As far as I can tell, it has been used exclusively to catch illegal immigrants and start them down the road to deportation," Turner said.

As a result, Turner said, many immigrants she has met undocumented and legal alike are now more fearful of law enforcement

Before the agreement was implemented, the state Department of Public Safety made

efforts to allay Alabamans' fears, and to educate the community and civil and immigrants' rights organizations about the program to make clear it was intended to target only undocumented immigrants, and only in the course of troopers' normal duties, Earnhardt said.

"If there has been a misuse of authority, we have a procedure in place to deal with that," Earnhardt said.

LOAD-DATE: June 26, 2006

Testimony of Eileen Connelly
Before the Senate Judiciary Committee
Philadelphia, PA
July 5, 2006

Thank you Senator Specter for inviting me to testify today, my name is Eileen Connelly and I am the Executive Director of the Pennsylvania State Council for the Service Employees International Union (SEIU), a Change to Win union. SEIU is the largest and fastest growing labor union in the North America. SEIU represents 1.8 million workers nationally and 60,000 in PA in healthcare, property services and public service employment. We represent thousands of immigrants working as janitors, nursing home assistants and home health care aids. Please accept my written testimony which I submit for the record of these proceedings.

In 1982, I began on my career path of becoming a labor union leader when working as a Lab Tech at Hazleton-St. Joseph Hospital. I joined my coworkers as a member of the bargaining team to help negotiate our first contract and I saw first hand how union membership improves wages and working conditions for all workers, regardless of their immigration status.

SEIU members are united by the belief that everyone who works hard in America should have the opportunity for a good job with a paycheck that supports a family, affordable health care and a secure retirement. But our broken immigration system makes this harder to achieve by denying 12 million hardworking, taxpaying immigrants a way to earn citizenship and allowing employers to exploit workers without legal status.

SEIU has long supported comprehensive immigration reform because we believe the problem is not immigration but our immigration system, that fails too provide orderly, legal channels to come to work in this country within the industries that need workers the most. This helps fuel an underground economy – where workers have little protection and are forced to work for substandard pay and in hazardous conditions – which in turn undermines standards for all workers in this country.

As long as unscrupulous employers have the ability to exploit workers because they lack legal status, the current system will continue to drive down wage and benefit standards for all workers in this country and breed divisions in workplaces and in our communities.

Our union has worked in coalition with groups both in Pennsylvania and around the country to urge Congress to find a "break the mold" solution that includes tough, effective worksite enforcement; a realistic program to bring undocumented immigrants out of the shadows and into the legal workforce; and a new worker program that channels future immigrants through a controlled, orderly process to work in this country.

Without comprehensive immigration reform, critical industries in our country like long-term nursing care and janitorial services face critical worker shortages. Immigrants already make up a significant percentage of this low-wage workforce and the need for immigrant labor will only grow as our population ages and millions of us need long term care. In my testimony today, I

want to discuss what it means to all workers when a significant percentage of the workforce is undocumented.

SEIU has ample experience with ineffective, enforcement-only approaches to migration control during the last two decades and experience tells us enforcement only laws, no enforcement in the workplace and no orderly migration flow has been a disaster not just for immigrants but for all working people. Undocumented immigrants are much more likely to be exploited by unscrupulous employers, and they are more likely to be forced to work "under the table" for cash, accepting below-market wages and sub-standard working conditions when they are afraid to complain and cannot rely on the protection of our labor laws. Employers also know that undocumented immigrants have no recourse if they are fired in retaliation for union activism, making undocumented worker more vulnerable to exploitation.

Some employers use undocumented immigrants' status as a weapon against them, threatening to call DHS when workers seek to join unions or if they complain about illegal working conditions. Even legal immigrants are often deterred by these threats because of their relationships with other, undocumented coworkers.

Employers of undocumented immigrants are also more likely to cut corners on health and safety regulations and on consumer protections. And well-intentioned employers face pressure from a few bad apples to take advantage of immigrants or risk being undercut by the competition.

The bottom line is that exploitation of undocumented immigrants drives down wages for all working Americans and the only solution is for Congress to pass real, comprehensive immigration reform this year.

First, put simply, an enforcement-only approach will not work. We know that employers have a substantial demand for immigrant labor. An estimated 5 million direct care workers will be needed by the year 2030 to match the growth in the elderly population[1], and we already do not have enough native born workers to fill the growing janitorial and service sector jobs. We believe it is neither possible nor desirable to shut down the flow of willing workers into these positions. Thus, the heart of real immigration reform must be a combination of tough worksite enforcement AND ample legal flows so that employers are no longer tempted to hire undocumented immigrants.

Second, worksite enforcement of immigration rules will never succeed as long as millions of existing workers lack legal status, and real reform must move these workers out of the shadows and into the formal economy. Crafting a successful employer sanctions regime will be hard under the best of circumstances, and the system's prospects for success will be substantially undermined if employers start with millions of undocumented workers already on their payrolls.

---

[1] Congressional Budget Office, *Projections of Long Term Care Expenditures for the Elderly* (March 19999)

Third, it is essential that future legal immigrants (new immigrants and newly legalized immigrants) enjoy the full protection of our labor laws and that any new temporary worker program includes strong protections so that temporary workers do not undermine US wages.

As you know, temporary worker programs are controversial because previous programs have, in some respects, been even more exploitative than undocumented immigration. The U.S.-Mexican Bracero Program, which operated during the 1940s and 1950s, is an important example. Even though the program looked good on paper, employers frequently employed Braceros as strike-breakers and they failed to comply with their contractual obligations in terms of pay, working conditions, and benefits. Temporary workers lacked the resources to fight for their legal rights, and the Immigration Service repeatedly proved to be more concerned with satisfying employer demands than enforcing work rules or protecting labor rights.

Our experience with flawed temporary worker programs like the Bracero Program offer a number of important lessons for a new worker program, which must be carefully crafted to avoid driving down US wages.
A new temporary worker program must have strong prevailing wage protections, ideally based on the highest of Labor Department surveys, union wage agreements, and Service Contract and Davis-Bacon wage rates;
A temporary worker program must regulate the role of foreign labor contractors, many of whom have extorted unfair payments from temporary workers in the past,
A temporary worker program must give immigrants the right to join US unions, and temporary workers must not be allowed to be used by employers to interfere in organizing campaigns,
Employers must make every effort to recruit US workers first,
Temporary workers must not be tied to a single employer—they must be able to vote with their feet by changing jobs to avoid employer exploitation and ensure that wages are competitive – when employers hold the visas workers depend on they can not change jobs or improve their working conditions for fear of deportation;
Temporary workers must have the ability to adjust to permanent status if their circumstances change and they choose to remain in the United States ;
And, all of these protections must be backed up by vigorous worksite enforcement by independent enforcement agents, not by DHS.

We need strong labor protections in any comprehensive bill, and believe that even a large-scale program like the H-2C visa can operate without depressing wages as long as these important protections are kept in place. The Senate during its debate on S. 2611 made many improvements to the bill. Improvements can still be made, both in labor protections, the Title II criminalization which continues to be very troubling, and the due process provisions in the bill. We continue to hope the bi-partisan work demonstrated by the Senate will carry over to the U.S. House of Representatives. Congress must reject the enforcement only House passed bill H.R. 4437.

My union knows first hand the value immigrants provide to our economy and our union. Hundred of thousands of our members are immigrants, and some of these workers are undocumented. But they are hard working and paying taxes, and have lived in the United States for many years.

In summary, SEIU supports comprehensive immigration reform – securing our borders both north and south, treating undocumented immigrants firmly but fairly by requiring them to undergo background checks, pay a fine and learn English in exchange for getting on a path to citizenship, and addressing the need in our economy for future workers, who have full protection of labor law and enforcement.

Thank you for giving me this opportunity to testify today in support of comprehensive immigration reform. I am happy to answer any questions you might have regarding my testimony.

Testimony

Rev. Luis Cortés, Jr.

Senate Judiciary

Field Hearing

Philadelphia, Pennsylvania

July 5, 2006

Thank you, Mr. Chairman. Thank you for your leadership, for taking on the difficult, divisive issue of comprehensive immigration reform.

Thank you, Mr. Kennedy and Members of the Committee for inviting me here today.

It is an honor and privilege to be here with you today to speak to what is arguably one of the most important issues facing our country. How America decides on immigration will determine not only the face of our future but the heart and soul of our nation.

Since 1987, Nueva Esperanza, has strengthened the Hispanic community in Philadelphia by creating Hispanic owned and operated institutions. Our Philadelphia operations include a charter high school, a junior college, homebuilding, mortgage counseling and employment training programs. A $28 million economic development project is creating a Latino Corridor in North Philadelphia transforming vacant lots and abandoned buildings into a vibrant commercial corridor surrounding by new and renovated homes.

Esperanza USA is our national network of over 10,000 Hispanic congregations, faith and community based agencies working in education, health care, HIV/AIDS, housing, financial literacy, mortgage counseling and workforce development. Esperanza USA also hosts The National Hispanic Prayer Breakfast and Conference each year.

Across our country, across all denominations, across the 27 countries of Hispanic origin, immigration is the #1 issue of concern in our communities. For us, immigration is about family values, about work and living productive lives as contributing members of our communities. Millions of our people are known only to many as "the undocumented." 40 million Hispanic American citizens have undocumented grandparents, mothers, fathers, uncles, aunts, and children. They are not criminals, felons or gang members but taxpaying, law abiding, hard working members of our families and our communities. Their only infraction was the misdemeanor offense of coming to America looking for work.

Role of State & Local Law Enforcement

Mr. Chairman, you asked that I address concerns about state and local law enforcement having authorities and responsibilities to enforce federal immigration laws.

First, let me state that Esperanza supports efforts to secure and defend America's borders. We are a nation of laws and we respect the rule of law. The terrorist attacks of 9/11 changed us all and unite us in efforts to protect and secure the borders.

In our zealousness to be secure, however, we urge that enforcement of federal immigration statutes remain a federal responsibility. It is especially critical that 9-1-1 emergency first responders and local law enforcement and police have no enforcement or reporting responsibilities in illegal immigration enforcement.

Giving state and local law enforcement authority, even partial reporting responsibility, for federal immigration law enforcement would, quite simply, endanger the health and safety of Hispanic and non-Hispanic communities, reverse and disintegrate years of progress in community programs and transform what is today a close, cooperative and productive relationship between Hispanic clergy and state and local law enforcement into an adversarial one.

Today most clergy, not just Hispanic clergy, work along side with state and local law enforcement. Clergy are often the first to be called when kids get into trouble --- when drugs, violence or property crimes are involved. Clergy are called to help in matters of domestic violence, runaways and truancy.

In turn, clergy look for ways to reach out and include state and local law enforcement in their programs, activities, in the lives of their communities. Involving state and local law enforcement in enforcing federal immigration laws would jeopardize this essential relationship.

State and local law enforcement agrees with us.

ON June 23rd, Philadelphia Chief of Police Sylvester Johnson --- joined by 56 Police Chiefs of Major Metropolitan Areas at a Major Chiefs Association press conference --- said that his officers will not track down undocumented immigrants, despite pressure from the federal government for municipal police departments to start getting more involved, "We don't enforce immigration laws," said Chief Johnson, "Our concern is to keep a relationship with the immigrant community. If a person is a victim of a crime, we want them to come forward." *(Phillynews.com June 23, 2006).*

Chief Johnson referenced a letter sent by the Major Chief's Association to President Bush expressing their concern over involving local law enforcement in the "brewing immigration battle." Houston Police Chief Harold Hurtt, current president of Major Chiefs issued a press release detailing their concerns.

Chief Johnson knows all too well the serious, devastating consequences to the life, health and safety of the community should local law enforcement be required to enforce federal immigration laws.

I thank Chief Johnson for his public statements and will discuss in detail exactly what those consequences could be.

First, the good news. Today, communities are safer, healthier places thanks to years of close collaboration between local law enforcement and Hispanic clergy. Clergy interpret the role of local law enforcement to the community and communicate that we are friends with the police. The church is an essential intermediary, at times providing intelligence to police gathered from community residents.

The faith community is regularly called on by the police to work with them to develop and implement programs addressing issues surrounding, youth, drugs, especially drug and gang violence. Police/community programs such as Weed & Seed and CUNAD (Community Neighbors United Against Drugs) have been tremendously successful. Weed & Seed is the federal Department of Justice program that encourages local law enforcement to work with local communities to enhance public safety and security. In Philadelphia, Sister Carol Keck, a Roman Catholic nun who runs the Norris Square Neighborhood Project is one of the primary liaisons between Philadelphia Police Department and Philadelphia's Hispanic community teaching youth and adults to do community policing.

CUNAD is a citizen-led group of individuals who, with the police and the church, fight the sale of drugs. CUNAD provides education in high schools and middle schools. CUNAD's vigils in front of crack houses, neighborhood marches and block parties have closed crack houses and eliminated drug sale locations.

In matters of domestic violence, clergy are called by the police or police are called by the clergy. Police are in the lead with clergy again acting as intermediaries.

The Salvation Army is a major partner with law enforcement in matters of crisis. When a house collapses, the police respond. Police then notify the Salvation Army who immediately provides shelter, food, clothing --- all things the police cannot do. During the recent floods, congregations throughout the region responded to calls from police for emergency support assistance. Police rely on the partnership and support of faith-based organizations such as Catholic Charities, Episcopal Community Services, Lutheran Social Services and Jewish Family Services, The Salvation Army and countless other religious bodies who support the crisis management of our country.

Nueva Esperanza's charter high school is located in one of Philadelphia's toughest neighborhoods. The school participates in the city's Safe Corridors program where a police squad working with parent volunteers creates safe passage for children to go to and from school.

All these programs depend on relationships of trust between state and local law enforcement and the faith community, relationships of shared missions and commitment to the life, health and safety of the communities.

Now, Mr. Chairman, the dark side --- a look at what life would be like if state and local law enforcement were required to enforce federal immigration laws.

Take the Safe Corridors program I just mentioned. Would police start picking up children that they know are undocumented or have undocumented parents? Does the same officer who is now creating safe passage start picking up the child to capture the undocumented parent when they come to pick up the child? Instantly, this wonderful program of safe corridors becomes a trap for undocumented immigrants.

This program and hundreds like it would shut down. Religious and public after-school programs would become sites where police could find undocumented parents as they pick up their children.

Police would no longer be there to protect us but to trap those members of our community who are undocumented. The vast majority of our community who support and appreciate the efforts of local law enforcement would be forced to keep law enforcement at arm's length, create a distance between police and the community that will ultimately diminish the health and safety of that community. All of this would take place in some of our county's poorest communities where energy should be focused on strengthening, not severing, relations with local law enforcement.

A separate but very real issue is how clergy will be forced to handle police officers who attend our churches? A pastor sees a police officer sitting next to a church member who is undocumented. What will be the police officers responsibility? Police are told that if they do not enforce the law, they will lose their jobs. Will clergy need to create churches solely for our officers?

By far, the darkest of all new realities would be the many ways criminal elements would take advantage of law enforcement's role in immigration enforcement to enhance their criminal enterprises as all undocumented immigrants instantly become targets, easy prey for the criminal.

If an undocumented immigrant lives next door to, say, a drug dealer, the dealer could go next door and say, "I want your TV. I want your kids to run drugs for me. (--- or I'll notify the police of your status)."

Single undocumented mothers and their daughters (as well as the men who wish to protect them) become instant targets for unreported rape and abuse. The rapist will mockingly hand her the phone and dare her to call 911.

Unscrupulous police officers (or those who enjoy going to far) will use this new authority to their advantage --- forcing the undocumented to bend to their will.

Will all Latinos --- American citizens of Hispanic descent as well as new and undocumented immigrants --- become reasonable search and seizure targets as local law enforcement works to track down the undocumented?

Will police go to schools and wait for parents to pick up their children?

What happens to citizens who chose to defend their hardworking neighbor when the local police arrive and accuse a person of being illegal?

If a teacher does not give up a student, will the teacher be arrested? Will clergy be arrested for obstruction?

These issues are not limited to Hispanic communities but would be replicated in Russian Jewish communities, in African Ethiopian, Asian and Irish communities. A second class would be created in our country with no access to protection, one that is constantly at risk and vulnerable to the most heinous individuals. Life long criminals would have targets, easy prey.

12 million people can no longer call the police. Violent criminals will have more rights than hard working members of communities whose only infraction was the misdemeanor offense of entering our country looking for work or to unite their family.

Racial profiling will happen if local law enforcement is involved. I will have to constantly prove my citizenship while others will not. I will have to prove my citizenship even when I am in my own home.

Many will say this will never happen here. But this has happened before --- which is why this fear is very real. During World War II, neighbors turned in their Japanese American neighbors. Even though we were at war with the Japanese, today we acknowledge the injustice of the internment camps and of racially profiling all of a particular ethnic decent. In the 1930's, tens of thousands, possibly more than 400,000 Mexican and Mexican-Americans were forced to leave our country. Many, especially the children, were US citizens.

Mr. Chairman, Mr. Kennedy and Members of this Committee, I know this is not the America you have worked so hard to build and to protect. I urge you to share with your colleagues in the House and in the Senate the very real dangers contained in the policies you now debate.

Today we have been discussing the serious unintended consequences should state and local law enforcement be given responsibility and authority to enforce federal immigration statutes. I would be remiss if I did not to take this opportunity to provide for the record Esperanza's perspective on the broader issues of comprehensive immigration reform:

Avoid Criminalizing Clergy

Efforts to shut down human trafficking and criminalize smuggling operations are critically important and we support them. However, language contained in H.R. 4437 assessing criminal penalties for those who "assist" those who are here illegally would instantly transform all Hispanic clergy and many non-Hispanic clergy from community leaders to federal criminals. All clergy must remain free to provide spiritual counsel and to follow their Old Testament or New Testament commandment to feed, clothe or visit the stranger.

TEMPORARY / GUEST WORKER PROGRAMS

Millions arrived in America legally to unite with family and to seek a better life. To keep families together, they have remained here unknown and undocumented to federal authorities. Millions more risked everything to begin a new life. For people to come out of the shadows, if reforms are to work, they must have real, permanent advantages. Fixing this broken system for legal entry and residence must correct the flaws of the past and reflect current and future economic and workforce requirements.

"Send- Back" Provisions

If our national security objectives are to be met, if immigration reform is to facilitate the tracking of terrorists and those who would do us harm, it is imperative that immigration reforms result in having the millions of undocumented workers leading peaceful, productive lives come out of the shadows and counted as legal residents.

Provisions that require undocumented workers to return to their country of origin for extended periods of time before being granted legal status simply will not work. Millions of hard-working heads of households risked everything to build a life in our country. They are working hard and living clean, productive lives as contributing members of society. They will not "come out of the shadows" for a weak, distant promise dependant on bureaucratic clearances.

"Send-Back" provisions that sever employment relationships and separate families for long periods of time will not work. The only type of "send-back" provision that could work is a requirement to return to the country of origin to file required paperwork and fulfill administrative requirements. Such provisions would require only short-term stays in country and allow for immediate return without loss of employment. They are in a very real sense unnecessary.

Path to Citizenship

Not all immigrants are interested in becoming American citizens. For those that do, once the requirements of legal residency have been met and fulfilled, they should be allowed to "get in line" --- apply for citizenship knowing their application will be considered only after all others who have previously filed.

The definition of amnesty is unconditional forgiveness. To pay a fine, back taxes, get in back of the line, learn English and any other obstacle that is deemed necessary is not amnesty but to deny what has made our county the beacon of Liberty to the world, namely an opportunity to work and integrate into society would be shameful of us.

Thank you, Mr. Chairman and Members of the Committee for the opportunity to appear before you today.

Testimony by Dan Eichenlaub
President
Eichenlaub, Inc.
On the Subject of Comprehensive Immigration Reform
Before the United States Senate Judiciary Committee, Senator Arlen Specter, Chairman
In Philadelphia

July 5, 2006

Good Morning Chairman Specter and members of the Senate Judiciary Committee. My name is Dan Eichenlaub. My brothers and I started Eichenlaub Inc., our Pittsburgh-based landscape contracting company, in 1974, and the business has grown ever since. The green industry, including landscape contractors, nurseries, and garden centers is the fastest growing segment of Pennsylvania agriculture, and now represents $5.6 billion of economic impact in the Commonwealth. Nationally, we stand at nearly $150 billion.

My association -- the Pennsylvania Landscape & Nursery Association, and our federal partner, the American Nursery & Landscape Association -- have both worked hard to find a comprehensive solution to our nation's immigration crisis. This crisis includes problems with the H-2B visa for seasonal labor. For five years I have been using the H-2B visa program to obtain workers for positions with my company for which I have been unable to find local workers. The H-2B program was designed for seasonal industries as diverse as landscape contracting, food processing including fisheries, tourism, forestry and the firefighter crews who protect our forests, hospitality, including those on staff with our national parks, and even America's national pastime played by minor league baseball teams. These many seasonal industries have unique needs and special challenges in attracting and retaining a workforce. The program represents a critical component of the success of my company, and provides workers that I cannot find in my region of the state. That in turn allows me to create and maintain some year-round jobs for Pennsylvanians in landscape design, sales, and office management.

I can tell you, without hesitation, that there are not enough native-born, available American workers to fully staff and grow my business. This is hot, physically demanding seasonal work. Entry-level agricultural and manual jobs are, quite frankly, not the ambition of most young Americans.

Unconvinced? Witness the requirements of the H-2B program: I must advertise in the Pittsburgh papers to attempt to fill an open position with an American worker. If I cannot find an American worker to do the job, I can apply for an H-2B visa. The H-2B program requires me to pay a federally-mandated rate that is higher than minimum

wage. Due to program limitations, especially the artificial cap on allowable visas, I risk investing time and money in a worker who may not obtain authorization to return next season. If the cap is left artificially low, a black market for unauthorized workers is unintentionally encouraged.

Even with these limitations, the H-2B program at least presents an opportunity to obtain an adequate workforce. My Jamaican H-2B workers do excellent work. They are motivated, they are more than physically competent, and they have a strong work ethic. Many of my H-2B workers have been coming back for several years. These workers are like family to me and my colleagues. They like the program, which allows them to earn a good living here, and spend their winters in their homeland. We like the program, which ensures that dedicated, satisfied workers return year after year.

However, the program is flawed. It is capped at a maximum of 66,000 workers per year. Two years ago, the cap hit before my workers' paperwork had been fully processed. That season I lost my workers, and I lost half a million dollars worth of business. In 2005, Congress passed the "Save our Small and Seasonal Businesses Act," legislation that greatly extended the program by exempting many returning workers from the cap. However, this was simply a one-year program extension.

The return-worker exemption should be made permanent, and the cap should be altered to allow the program to realistically expand based on the needs of the American economy. The Senate has offered some relief: a three-year extension is a crucial part of the Comprehensive Immigration Reform Bill which passed the Senate in May. The Senate also provided needed solutions and reforms for the full landscape and nursery industry, including time-tested and bipartisan provisions for agriculture and the H-2A program.

As you know, agriculture is the largest industry in Pennsylvania. Our nurseries, our farms, and our agri-businesses need solutions. We need to keep our workers, and we need to fix the broken visa programs and thus match willing workers with willing employers. Those of us who use and understand these programs know that they create needed legal channels for temporary workers to enter the U.S. safely and legally, contribute to our economy, and return home at the proper time. We all support secure borders. It is ludicrous to think that we can "secure our borders" without creating workable legal channels like H-2B and the proposed H-2C program.

On behalf of the landscape and nursery industry, and on behalf of seasonal small businesses across the country, I call upon the House to come to the table, to work with the Senate to pass Comprehensive Immigration Reform, fix the H-2B program, and help grow our small and seasonal businesses!

Testimony of
The Honorable Arthur Hershey
Pennsylvania House of Representatives (R-Chester)
13th Legislative District

July 5, 2006

PRINTABLE VERSION

Chairman Specter, thank you for this opportunity to testify. My name is Art Hershey, and I represent historic Chester County in the Pennsylvania House of Representatives. I am also the Chairman of our House Agriculture and Rural Affairs Committee.

Labor-intensive agriculture and value-added industries like food processing are very important to Pennsylvania. Growing industries like mushrooms, fruit, vegetables, nursery and greenhouse, and dairy require large workforces. In fact, Pennsylvania ranks 10th in the nation in the size of our hired farm worker payroll. Our specialty agriculture is much more reliant on labor than the national average.

In the end, we are talking about more than just the jobs of farm workers. These industries create thousands of good-paying jobs for Pennsylvanians that would cease to exist if we don't have labor on our farms. I'm talking about jobs providing inputs and supplies, equipment, marketing, packaging and processing, transportation, lending and insurance. Economists tell us there are three to four such jobs created for every single farmworker job.

As Agriculture Committee chairman, I know and care about all these industries in the Commonwealth. My own background is in the dairy industry. Even highly mechanized dairies have a significant need for labor, and rely heavily on an immigrant labor force. We need these workers year-round. Dairy falls through the cracks of all the existing programs, which are for seasonal workers only, or for non-agricultural workers.

Who makes up our farm labor force?

• In 2002 Pennsylvania farmers employed 67,672 hired workers.

• 26,066 were employed 150 days or longer, with the rest in more seasonal jobs.

• In 1998, a Department of Labor survey showed that 52% of farm workers self-admitted they lacked work authorization. In a regional Northeast breakout (including Pennsylvania), 65% admitted they lacked work authorization.

• Also in 1998, an astounding 99% of new entrants into the farm labor force lacked proper status. This clearly shows we lack domestic labor seeking work on

our farms.

• Private estimates suggest that the overall percentage of farm workers who lack immigration status is approaching 75%. It is crucial that we solve the agricultural labor crisis calmly and wisely.

• The average farmworker wage in Pennsylvania last year was $9.76 per hour. This is not a problem of "minimum wage work." Without immigrant workers, we would not have a labor force. It is that simple.

The industry I really want to talk about today is the Mushroom Industry.

Seventy percent of our nation's commercial mushroom farms are in Chester County, in my district.

More than 500 million pounds are grown in the state -- 60 percent of all mushrooms grown in US. Every single one is picked by hand. The crop has an annual value of more than $400 million.

There are estimated to be over 5,000 mushroom farm workers in Pennsylvania. Most are year-round.

The mushroom industry, and in fact all of the Pennsylvania agricultural industries I've mentioned here today, need three things out of immigration reform. For the long term, they need a guest worker program that allows for seasonal and year-round workers. In the near term, they need a transition that allows the industry to retain its trained and experienced workforce. And finally, employers need to be assured that the responsibility for ultimate verification of a worker's legal status lies with the federal government, not with employers. And certainly not with the state government, as some of my well-meaning colleagues in Harrisburg have recently proposed.

Chairman Specter, the bill you guided to passage in the Senate contains these essential provisions. First, S.2611 overhauls the H-2A program. While it does extend it to year-round dairy workers, a very important provision for Pennsylvania, it does not extend to year-round mushroom or nursery workers. We would prefer that it does. However, we believe that these other industries could use the new H-2C program for positions that do not qualify for H-2A.

On the issue of transition, the bill provides for earned legalization for qualifying farm workers willing to pay a fine and meet tough conditions. This is not automatic citizenship, which some call "amnesty." Adjustment of status is crucial to mushroom industry, not to mention other Pennsylvania agricultural sectors.

Some say that we tried legalization for agriculture in 1986, and they say that it failed. The failure of the Reagan-era legislation was not the legalization program. Many of the mushroom workers who legalized are now the owners, operators, and managers of our mushroom farms and many other businesses today!

Rather, the failure of IRCA was the lack of a long-term solution for our farm labor needs. This time, Chairman Specter, the Senate bill does it right. The "AgJOBS" provisions of the bill address both the long-term, and the need for transition.

In closing, I know Pennsylvania agriculture, and what we will lose if Congress fails to enact the right reforms in the right way. I urge Pennsylvania's delegation in the U.S. House of Representatives to tone down the rhetoric, come to the negotiating table, and produce a final bill that contains these critical reforms. Time is indeed of the essence.

- TOP OF THIS PAGE
- RETURN TO HOME

PRINTABLE VERSION

TESTIMONY OF PHILADELPHIA POLICE COMMISSIONER SYLVESTER M. JOHNSON UNITED STATES SENATE JUDICIARY COMMITTEE

JULY 5, 2006

Good Morning Chairman Specter, Senators and guests. I am Sylvester Johnson, Police Commissioner of the City of Philadelphia. Thank you for inviting me to add to a discussion of profound importance to our public safety.

I am here today to discuss our local law enforcement, its relationship to federal immigration law, and our needs in this area.. It is simply not in best interests of the communities we serve to require local police to enforce federal immigration law. This is true for many reasons, including the importance of community trust and cooperation, the current social climate, a general deficiency in all types of resources at the municipal level, limited local authority under state law, and the complexity of federal immigration law and the correspondent high risk of civil liability.

The primary reason to refrain from making local enforcement of immigration law mandatory is that it undermines the basic function of local police. As officers, we must engender trust within the communities we serve. A significant portion of that population includes both documented and undocumented persons. Meeting public safety objectives is only possible when the people trust their law enforcement officials. Fear of negative consequences or reprisal will undermine this important element of successful police work. It will also undercut homeland security efforts among immigrant communities, in that those who that may know persons who harbor knowledge of terrorist activities will no longer be willing to come forward to any law enforcement agency for fear of reprisal against themselves or their loved ones.

Crime does not discriminate. Requiring immigration enforcement by local Departments will create distrust among persons from foreign lands living in the United States. Undocumented immigrants will not report victimization or cooperate in solving crimes or testifying for fear of deportation. A culture of trepidation regarding public officials, which often must be dissipated among certain immigrants groups to begin with, will become ingrained among legal immigrants too. Undoubtedly, a substantial group of legal immigrants will avoid contact with police for fear that they or their friends and family may be subject to immigration enforcement or profiling. We would be creating a self-imposed underclass when it comes public safety, an absolutely unacceptable and decidedly un-American outcome.

Of course, undocumented immigrants, like any person, may also be perpetrators of crimes which are currently investigated by local law enforcement. Philadelphia police investigate all reported criminal activity. Cultivating relationship with federal agencies regarding the criminal activity of illegal immigrants could prove beneficial to public safety.

A second concern is that local departments do not have the resources necessary to successfully enforce immigration laws. In Philadelphia, we are working within tight budgetary constraints, have a substantially reduced police force and have greater responsibilities. Though the overall crime rate in the City is slightly down, like many urban areas, we are also dealing with an increase in shootings and murders. Additionally, federal funding for major city departments has steadily decreased.

Despite these challenges, our Department has been doing more with less. Mandatory enforcement of immigration law would tax our department. The number of personnel, the facilities and the equipment needed would overwhelm our current resources, and the resources of other city agencies. With no clear promise of federal funding, the cost of such an effort would be prohibitive. Our enforcement of local and state laws, as well as our current Homeland Security duties, would be compromised.

Additionally, federal immigration law is complex, with civil and criminal aspects that are often difficult to distinguish. Currently, specific personnel in a limited number of federal agencies are trained and tasked to deal with immigration enforcement. This highly specialized focus indicates the complexity of immigration issues. Local departments, which are simply unequipped to take on such a task, would be required to spend a tremendous amount of time training their officers in this area. In a time of shrinking Departments and a rising trend in violence, our citizenry could not afford the loss of manpower on the streets.

Moreover, charging local police departments with immigration enforcement fundamentally changes our underlying law enforcement objectives. Traditionally the police enforce the criminal provisions of the law. In Philadelphia, even city attorneys are delegated either civil or criminal duties, depending on whether they work for the District Attorney's Office or the Law Department. Local law enforcement is often primary agencies enforcing state law issues, and federal law enforcement entities often take the lead on federal law issues.

In addition, state and local laws mandate the responsibilities of officer within a state, and also set limits on the activities permitted by police personnel in the pursuit of fighting crime and maintaining public safety. Such limitation must be considered before determining the effectiveness of local immigration enforcement.

Lastly, all Police Departments are susceptible to civil litigation as a result of civil rights suits. The police must attempt to minimize civil liability for many reasons. First, I have often said that we will not break the law to enforce the law. As a matter of principal

and policy, we do not want our officers to violate people's constitutional rights. Additionally, time in court on a civil suit equates to fewer officers of our streets and settlements, court costs, and Plaintiff's rewards all cost all citizens precious resources. With questionable federal law authority to enforce such immigration laws, and with a precedent of local police being sued for assisting in the enforcement of immigration law, the probability of civil suits against local departments as primary enforcers is a major concern.

The problem of illegal immigration is substantial and has not gone unnoticed by the chiefs of local police departments. The Major City Chiefs, an organization consisting of fifty-seven Chiefs of Police across the United States have convened a committee to research immigration issues and have come to several conclusions and possible solutions to mitigate the current problem. In addition to many of the above conclusions, they have created a list of items that will help to decrease illegal immigration. These include securing our borders, enforcing laws prohibiting the hiring of illegal immigrants, consulting, involving and sharing intelligence with local police agencies and the having local law enforcement continue to commit resources against criminal violators regardless of their immigration status. Clarification of authorities allowing local police to enforce immigration law, the limitation of liability for such, the removal of civil immigration detainers from the NCIC system and an incentive based system of full federal funding instead of a reduction or shifting approach would also be beneficial.

Local law enforcement is the first line of defense in protecting our communities. We have witnessed the atrocities that can occur when people put nationality, race and ethnicity before humanity. The Philadelphia Police Department will not let this happen. We will do everything within our authority to protect and serve everyone who enters our City. Though illegal immigration is a serious problem, it is in the best interest of everyone involved to allow those with the expertise, experience and resources to concentrate on solving issues related to immigration. It is in the best interest of the entire country to allow local law enforcement to maintain the relationships with the immigrant community we have worked so hard to build, and to allow us to protect and serve our communities.

Testimony
United States Senate Committee on the Judiciary
Immigration Reform
Philadelphia, PA -July 5, 2006

Ms. Carol Green Rossi, CHRE
Corporate Director, Human Resources, Harrisburg Hotel Corporation, Harrisburg, PA

Written Testimony of

Carol Green Rossi, CHRE
Corporate Director, Human Resources
Harrisburg Hotel Corporation

Before the

Senate Committee on the Judiciary

July 5, 2006

Chairman Specter and committee members, thank you for the opportunity to appear before you today. My name is Carol Rossi and I am the Corporate Director of Human Resources for Harrisburg Hotel Corporation located in Harrisburg, Pennsylvania. I am testifying on behalf of both the Pennsylvania Tourism & Lodging Association (PTLA) and the Pennsylvania Restaurant Association (PRA). PTLA is the statewide association representing Pennsylvania's lodging industry. The PRA is the statewide association representing the Commonwealth's restaurants.

I am responsible for all aspects of the human resource function for my company's four locations which include a four diamond full service 341 room Hilton franchise in Harrisburg, a 99 room Hilton Garden Inn franchise located in Hershey, a brand new upscale 160 seat restaurant in downtown Harrisburg, and Central Pennsylvania Business School's conference facilities and student restaurant in Summerdale, Pennsylvania.

The majority of my staff's time, effort and our department's budget are spent directly on the recruitment and hiring process to fill the approximately 45 job openings typically posted between our various operations on our weekly job opportunity lists. Our largest operation, the Hilton Harrisburg, employees 320 employees, and on average has **25-40 job openings** posted on its weekly job opportunity list. As of

Friday, June 30th we have 36 job openings.

These openings result in an employee reporting to work knowing that he will be understaffed by 10-12% on any given day. This is incredibly frustrating for both employee and employer. For both it means more work, longer hours, increased workplace injuries, increased guests' complaints and the list goes on. Overtime pay may be the only welcomed benefit, however most would rather have a 40-hour workweek, more time with family, and enjoy a predictable workload.

The lodging industry employed 1,795,000 people in 2004. The restaurant and food service industry employs more than 12.5 million people with annual restaurant sales reaching more than half a trillion dollars. Our numbers intersect since our hotel restaurant employees are reported under the food service category. These numbers are growing astronomically. The BLS predicts a 16.4% growth rate in hospitality jobs requiring 304,200 additional employees reaching over 2.2 million by 2014. The restaurant and food service workforce is expected to grow 15% or approximately 1.8 million jobs.

The National Restaurant Association and the American Hotel and Lodging Association are both members of the Essential Worker Immigrant Coalition (EWIC), which is a broad-based coalition formed in 1999 of national businesses and trade associations from across the industry spectrum (http://www.ewic.org). As part of this coalition, the NRA and AH&LA advocate and support comprehensive immigration reform and policies that facilitate the employment of essential workers by U.S. companies that are unable to find American workers.

To respond to these demands we are constantly in the recruitment mode; attending an average of 25 job fairs annually, including those we host ourselves. We spend over $8,000 in classified newspaper ads and online recruitment sources to attempt to fill our various openings. Not to mention the numerous recruitment trips to various colleges, universities, trade schools, and agencies we make throughout the course of a year. Unfortunately, the dollars spent do not give us the desired results. As an example, we recently hosted a job fair in January to fill positions at our newest operation, Bricco an upscale downtown restaurant. Attractive and costly ads were placed in the Harrisburg Patriot News to draw in candidates. The disappointing results were a mere 20 candidates to interview, three of which were qualified, to fill over 45 positions.

Immigrants are fundamental to the success of both the hotel and restaurant industries, as entrepreneurs, as customers, and as workers. According to recent data by the Bureau of Labor Statistics, 1.6 million restaurant employees are immigrants and

other foreign-born individuals. More than one quarter of foodservice managers were foreign-born in 2003, making the restaurant industry an industry of opportunity that employs one of the most diverse cross-sections of people from different backgrounds and cultures.

Our industry is a leader in both welfare-to-work and school-to-work programs. Harrisburg Hotel Corporation committed $25,000 to Pennsylvania's launch of the Training for Lodging Careers Program (TLC). Pennsylvania now ranks second in the nation for the number of schools featuring the TLC program in its curriculum. However, even with the strength of this program and the number of students coming into our industry, we still cannot keep up with the growth.

We have utilized organizations such as CETUSA and CIEE to assist us in hiring seasonal workers to fill our numerous openings. Although it may only be a short-term fix, it allows us the ability to continue to search for more permanent solutions in the meanwhile. Mainly we have hired work and travel students with J1Visas. The H2B category has been avoided due to the complications, costs and restrictive numbers allowed. The process for hiring H-2B workers is complex, time-consuming and expensive. A company must engage in extensive recruiting of possible U.S. workers, be unable to identify an adequate number of U.S. citizens to do the work, obtain certification from the Department of Labor and Employment that we have attempted to recruit Americans without success, obtain certification from the U.S. Department of Labor of the need for workers, receive approval from the U.S. Department of Homeland Security, identify qualified foreign workers, obtain approval for H-2B visas from the U.S. State Department. The process is incredibly complex, lengthy, costly and frustrating. What is apparent is that we cannot fill our positions with the workforce that currently exists. Jobs are growing in hospitality and the workforce is shrinking. Add to that our declining birth rates in the U.S., and it becomes apparent the math just does not work to allow us to move into the future successfully.

Additionally, our work force is an aging one. Many jobs are labor intensive and physically demanding. Many of these jobs are not attractive to American workers.

In order to be effective, comprehensive immigration reform in securing our borders and protecting our economic security must: meet the increasing demand for labor, identify those immigrants already in the country and provide a method for a status adjustment after they are screened and fined, and allow those who qualify to work in jobs for which Americans cannot be found.

We strongly opposed H.R. 4437 because of its focus on enforcement and sanctions

with no guest worker program options. Additionally, the worker verification system mandated by the bill is based on a test program, which is neither efficient nor reliable.

The Senate's version, S. 2611, the Comprehensive Immigration Act of 2006, recognizes the need to bolster our national security and to allow for an adequate workforce to maintain our economic growth. In addition to substantial measures and resources to secure our borders, S. 2611 creates a stringent earned adjustment program for undocumented workers. The bill also significantly increases the number of foreign-born workers that would be allowed in the U.S. annually and offers H2B cap relief exemption. We support provisions in the immigration reform bill that will permit foreign nationals to enter the country temporarily to fill jobs that no American workers will take.

As an employer one of the absolute most critical tasks we handle on a regular basis is verification of identification for all new hires to prove eligibility to work legally in the U.S. On numerous occasions we have had to discharge an employee after completing the entire employment process, because of their inability to provide valid identification when they arrived for orientation. While this is incredibly frustrating, as we have just finished spending numerous hours and dollars to get the person to this point in the process, we still follow the law to a fault. The employee is terminated, and the dollars and time we merely write off to costs of doing business. We are hopeful that an improved system will be put into place to effectively assist us with this task. We support and understand severe penalties against those who knowingly hire undocumented workers, and also support a safe harbor for good faith errors particularly if we are relying on an error ridden government provided verification system.

In regards to wages and benefits, our employees regardless of classification or nationality are hired at pay rates linked to a particular position. All employees who start as a Room Attendant are paid the same wage. Similarly, employees become eligible for benefits at the same time regardless of their position, management or line employee, U.S. citizen or foreigner. Our benefits programs are comprehensive, and allow an employee to elect a package that includes medical, prescription, dental, vision, short and long term disability, life, and accidental death & dismemberment coverage at less than $28 per bi-weekly pay. Our benefits package is competitive not only in the hospitality industry, but rivals many other industries in the Commonwealth, including manufacturing and retail.

Our company's goal is to employ workers that are committed to serving people. The hospitality business is an admirable business, and because our company holds a strong belief in professionalism in our industry we are focused on encouraging our

management and supervisory team to achieve certification for their disciplines through the Educational Institute (E.I.) of the American Hotel & Lodging Industry. Over 35 of our team members currently hold professional certifications ranging from Certified Hospitality Supervisor to Certified Hotel Administrator. E.I. is an outstanding organization that allows us to help our employees advance in their careers with specific job related training. While many people come to us without advanced education, E.I. allows us to help them grow during their employment and advance in their specific fields within the hospitality business. Many of our foreign workers have taken advantage of this training giving them the confidence to succeed and continue to grow their careers, while advancing their knowledge base and job skill set.

In conclusion immigration is a positive for the U.S. economy and it does not harm the U.S. worker. In fact it is a benefit for the U.S. worker. These immigrants provide a critical piece to our nation's economic success. They supply a relatively young, willing, and able supply of labor, which enables us to continue our economic growth.

To succeed, our economy desperately needs workers at both ends of the spectrum: young and less skilled as well as more educated and highly skilled. As a nation, we are in the midst of a grave shortage of labor due to all of the factors previously discussed. Immigration is not the only factor, but it is a critical one that we cannot succeed without. Without a continued flow of immigrant labor our workforce will fall short of what we need to meet demand. We are hopeful and optimistic that the United States will adopt a more thoughtful immigration policy that accommodates not only the hospitality industry's growth, but also the growth of our nation's economy.

I would like to thank the Committee Members and would be pleased to answer any questions Committee Members may have at this time.

STATEMENT OF CHRIS SIMCOX
Founder and President, Minuteman Civil Defense Corps
Submitted to the Senate Judiciary Committee Hearing for inclusion in the record of the hearing on "Guest Worker Permits" held July 5, 2006, in Philadelphia, PA

BEGIN STATEMENT:

Mr. Chairman, Members of the Committee, on behalf of the hundreds of thousands of subscribed volunteers and donors who make up the Minuteman Civil Defense Corps ("Minuteman Corps"), I submit this statement for inclusion in the hearing record. The Minuteman Corps enjoys a communications network of over one half million American households, and we are here to reiterate our organization's official and unequivocal position: our elected representatives in Washington must fulfill their oaths to the Constitution of the United States and protect America's sovereignty and national security with substantial funding for border security first, border security only and border security now.

The leadership of the Minuteman Civil Defense Corps began our first border watch operations near Tombstone, AZ, five long years ago. We have stood vigilant on the front lines of our broken borders spotting and reporting to authorities those who cross our borders illegally. By the hundreds, and now thousands nationwide who have cleared background checks, completed training and adhere to rigorously enforced field Standard Operating Procedures, we as free Americans are acting to secure our nation's frontiers in the face of the patent failure by the federal government to do so. We operate in all four southern border states, with border watch efforts in five states along the northern border—and our organization is expanding nationwide.

We are the premiere Minuteman organization doing the actual hard work standing operational watch nationwide at our borders, dispensing hundreds of gallons of water each operation to save hundreds of lives of those left stranded by their human smugglers in the desert. Those we rescue, and those we report, are persons who wish to enter this country illegally—seduced to lawlessness by the attractive nuisance our open borders represent. We are building fences and barriers along the United States border with Mexico on private land using private donations, with the firm support of legions of the American people, to put an end to this seduction and the chaos that ensues. You need to know that Minuteman Civil Defense Corps does not and will not endorse any form of amnesty for these intruders, no matter what kind of deceptive advertising it is wrapped in, no matter from which side of the political aisle it rears its ugly head.

Any proposal for amnesty cum "guest worker permit path to citizenship" is a national security risk that is already causing a human tsunami across our unsecured borders for those seeking to "get in under the wire." This wave of illegal migrants is exploiting the black market document underground in anticipation of new amnesty programs—and conceals in its sea of humanity all sorts of criminal and even terrorist elements. In some of the areas we have stood watch, the numbers of people crossing the borders illegally have increased tenfold since the talk of amnesty by this body began. Terrorist-affiliated

extremists, gang members, drug, arms and human traffickers, rapists, murderers and thieves use this human tidal wave at our border as cover for their illicit activities. The Minuteman Corps has been responsible for spotting and reporting literally thousands of such intruders to authorities, resulting in confirmed apprehensions.

The critical need is to secure this nation's borders with federal troops immediately. There is no conflict with the Posse Comitatus Act, as the war zone that is America's southern frontier and the wide-open northern border do not represent a law enforcement matter—but a matter of national security. We must establish operational control over our borders immediately. There is no time to play politics with amnesty disguised as a so-called temporary guest worker program. There is no need to immediately decide how some politicians can pander to the estimated 12-30 million illegal aliens already in our country or to their employers desirous of a steady pool of slave-wage labor. The urgent need is for Congress to fund and IMMEDIATELY ACHIEVE a substantial increase in deployed border security elements: we must build fences and barriers, dedicate satellites and other technology to our border security and put armed troops on the ground along the border at once.

According to a report released last month by the Department of Homeland Security's own Inspector General, over 45,000 illegal aliens from countries on the U.S. list of state-sponsors of terror (SST) and from countries that protect terrorists (SIC) were apprehended and then released by agencies of the Department of Homeland Security onto the streets of America between 2001 and 2005, and it is still not known how many, if any, of these illegals were actually deported. The current system is already overwhelmed. This is outrageous and completely unacceptable in a post-9/11 world.

The system is not in place to process the millions upon millions of illegal aliens already in the United States, much less to handle the untold millions more who will take advantage of the chain migration that will result under current immigration "reform" proposals. Completely apart from the sovereignty and assimilation questions, the cost to the American taxpayer will be prohibitive to install the huge bureaucracy required to administer these proposals of massive amnesty and chain migration. In this time of war, your electorate understands clearly that our resources must first be dedicated to border security only and immediately.

For decades, disastrous illegal immigration policies have called into question the will of our elected representatives to secure our nation's borders. We have been down this road before with border security tied to amnesty after amnesty after amnesty. As a result, the American people do not trust our politicians when they say they will secure the border, despite the overwhelming resources at the government's disposal and the clear mandate by the electorate to have the government act. Politicians in Congress and throughout the nation would be well advised to remember this election year that the people of this country will wait no longer—we want results, not rhetoric. Prove to the American people that you have secured the borders, prove to the American people that you have the political will to protect and defend our sovereign territory—and prove to us that the borders will remain secured against foreign invasion.

Those supporting massive amnesty effectually endorse an unending supply of slave-wage labor and ethically unaccountable global trade—exploitation of Third World indigents on American soil, all subsidized by the American taxpayer, and at the expense of our national decency, sovereignty, security, public safety and prosperity. The Minuteman Civil Defense Corps will not sell out the American people to such an agenda. We do support naturalization of fully assimilated new American citizens as this nation has always done, not colonization of second and third class migrant laborers who will be held here as little more than indentured servants. The Senate proposals ape a failed European model utterly incompatible with American citizen virtue—which model the Minuteman Corps utterly rejects.

For far too long the American taxpayer has funded existing disastrous and feckless border and immigrations policies, and programmatic failures of enforcement. The time is long overdue for our representatives in government to EARN the trust of the American people. Stop the bleeding. Secure the borders NOW.

The Minuteman Civil Defense Corps will continue at our posts until this nation's borders are actually secured, and our existing laws are enforced. We expect no less than that you each uphold the sworn oath you have taken to protect and defend America. Do not hold border security hostage to yet another massive, unenforceable and overwhelmingly expensive amnesty program that is a threat to our national security. The vast majority of the American people ask that you act to secure our borders first and only, and secure them NOW.

Again, Mr. Chairman, Members, I thank you for your time and your attention at this critical time in our nation's history.

END STATEMENT.