

**HEARING OF THE IMMIGRATION, BORDER SECURITY, AND CLAIMS  
SUBCOMMITTEE OF THE HOUSE JUDICIARY COMMITTEE SUBJECT: HOW  
ILLEGAL IMMIGRATION IMPACTS CONSTITUENCIES: PERSPECTIVES  
FROM MEMBERS OF CONGRESS (PART II)**

**CHAired BY: REPRESENTATIVE JOHN N. HOSTETTLER (R-IN)**

**WITNESSES:**

**REPRESENTATIVE JACK KINGSTON (R-GA);**

**REPRESENTATIVE MARSHA BLACK (R-TN);**

**REPRESENTATIVE JOHN CARTER (R-TX);**

**REPRESENTATIVE JOHN LEWIS (D-GA)**

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## **Body**

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REP. JOHN N. HOSTETTLER (R-IN): The subcommittee will come to order.

This hearing is the next in a series of hearings concerning the impact of illegal immigration on local constituencies. And as I mentioned last week, who better to explain what is going on around the country than members of Congress from impacted areas.

Last week we had members from Texas, New Mexico and Illinois explain the situation in their district. Much of their written testimony explained the high rates of **crime** in their district and the detrimental impact on American employment.

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Mr. Bonilla, representing 700 miles of the Texas border region, testified that his district has been under siege from an invasion by gangs, drug traffickers and illegal alien traffic. In his testimony, Mr. Bonilla said that small law enforcement offices in the border communities are overwhelmed by the onslaught of traffic.

Mr. Pearce of New Mexico testified that there have been special interest aliens caught in his district, individuals from Afghanistan, two from Indonesia, nine from Iran and one from Syria. And this is only over the past two years. He testified that local law enforcement in his district use a full quarter of their budget while helping the Border Patrol.

Today we have three members whose districts do not border Mexico. We have our colleagues from Georgia and Tennessee and one member from Texas. As we discussed last week, Texas, like other border states, has been overrun by illegal aliens.

Unemployment and crime are high in the border areas, as indicated by the charts to my left and to my right. And there is an inverse relationship in these areas between border patrol apprehensions and property and violent crimes. But once illegal alien traffic runs through Texas, these illegal aliens settle throughout the country in areas that might have illegal employment ready for them.

This is perhaps because political conditions allow easy passage, illegal employment and settlement for this illegal population. Our member witnesses can explain whether Georgia and Tennessee see such conditions. As you can see from the chart on my right, illegal alien populations have sprouted up in many non-traditional settlement areas of the country. Georgia and Tennessee are such areas.

As I mentioned last week, cities and towns around the country are negatively impacted by the heavy toll on infrastructure, the cost of emergency and non-emergency healthcare, primary and secondary education and of course the loss of jobs for Americans. In addition, society is gravely burdened with additional crime, high populations, national security dangers and damage to the environment.

I think the members of Congress can agree on one thing on this issue. The illegal alien situation must be brought under control. With that, let me allow the witness members to discuss the situation in their own districts, since they know local conditions and from that perhaps we can fashion some solutions down the road.

I turn now to members of the subcommittee for opening statements if any members have opening statements.

The chair recognizes the gentleman from Texas for five minutes, Mr. Smith.

REP. LAMAR S. SMITH (R-TX): Well, Mr. Chairman, I don't have an opening statement, I just wanted to welcome my colleague from Texas, Judge Carter, who happens to be both a friend and a colleague, as well as a member of Congress who represents an adjacent district.

And Judge Carter knows as well as anybody what the intricacies of immigration are and the laws that apply to immigration, having practiced law and also served as a judge. So I just wanted to offer a special thanks for his attendance and his expertise today.

REP. HOSTETTLER: I thank the gentleman.

The chair recognizes the gentlelady from Texas, the ranking member, Ms. Jackson Lee, for five minutes.

REP. SHEILA JACKSON LEE (D-TX): Thank you very much, Mr. Chairman. And let me thank the witnesses and welcome as well the distinguished members who are here and certainly to acknowledge Mr. Lewis, who'll be introduced by the chairman, who brings his own length and breadth of the American landscape as it relates to the needs of the American people.

And we appreciate very much my friend and colleague from Texas, Mr. Carter, for being here and Mr. Kingston, and we know that our fellow friend, Congresswoman Blackburn, we'll certainly appreciate her commitment.

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This is the second in a series of four hearings on how illegal immigration impacts constituencies. And I might say, Mr. Chairman, as we have worked together, that this certainly seems to be a number of hearings on one topic -- single subject. We already know that illegal immigration requires urgent attention.

We know that, for instance, the governors of Arizona and New Mexico have declared a state of national emergency on account of the absence of border security along the border between Mexico and the United States. My preference would have been to devote that time to comprehensive -- or this time that we're spending to comprehensive immigration reform.

We do welcome the members of Congress in sharing with us how immigration has impacted their areas. We of course are focusing on illegal immigration, but let me remind my friends that we are a nation of immigrants as we are a nation of laws. Let me also remind my friends that if we look at the landscape, the economic landscape of both this country and its surrounding neighbors, in many instances those who travel treacherous roads, subjecting themselves to violence, are coming for economic opportunity.

I'm reminded of that journey. Reminded of that journey for the reason that in studying the history of native Americans I understand the distinctive plight that many of them face. In studying the history of African Americans, I do understand that our journey started first in the bottom of the belly of a slave boat, and we know come to recognize that as we struggle for the continued respect here in this country, that we must all work together to improve our collective lives.

We cannot address illegal immigration effectively by placing our emphasis on why it is harmful to our society, we must look for solutions. We have to concentrate on finding a solution. The solution cannot be limited to implementing additional enforcement measures only.

Some persons have taken the position that the undocumented immigrants in our country should be deported in totality. That is impossible. All 8 to 14 million undocumented immigrants are entitled to removal proceedings before an immigration judge and they can appeal adverse decisions to the Board of Immigration Appeals.

In fact, we heard testimony just a few days ago that if we attempted to deport all of those who are here it would cost some \$42 billion to begin with and we would not be finished with those who would be in status to be deported. And so we know that the appealing of adverse decisions to the Board of Immigration Appeals, which does well when it adjudicates 3,000 appeals in a month would almost be impossible.

These constraints limit removals to 36,000 a year unless people leave voluntarily, and if you add the math it would take centuries to deport 8 to 14 million. Others would like to eliminate employment opportunities, which they view as a magnet that keeps the immigrants in the United States.

The act of 1986 made it unlawful for employers who knowingly hire or employ aliens who are not authorized to work in the United States, that approach has not yet worked, and IRCA has been in effect now for almost 20 years. In fact, last year the administration only issued three notices of intention to fine for hiring unauthorized foreign employees.

Mr. Chairman, you might find some collegiality in that unfortunate distinction that we've not been able to enforce employer sanctions. I think the reason is of course that many of our industries depend upon that kind of labor. But we must answer to the American people, find a way to protect American jobs, insist that Americans have jobs, collaborate together when we can and make sure that our employers follow the law.

There are industries that are totally dependent, and so we must track making sure that in those industries Americans have opportunities as they desire, but that those individuals who are here can have earned access to legalization. Frankly, a guest worker program is simply that. Inviting guests who will never return.

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Earned access allows individuals to have a review as to whether or not they will perform community service, if there's no criminal background, and that they are able to get in a line separate from those who are in the legal line and be documented so that we know who's in this country.

My Save America Comprehensive Immigration Reform Act, 2092, would address all of the major problems in our immigration system. For instance, it would address the problem of having 8 to 14 million people living in the shadows of our society by providing access to legalization for three different groups of people who made their homes in the country and have lived here for many years.

The first legalization program will be undocumented immigrants, the second will be legal legalization for undocumented children and the third will be -- will change the registry program. I hope that as we proceed with this hearing we'll do several things.

One, gain the information that this committee would like. I hope we find a way to cure the rising problem of fraudulent documents, I hope we'll find a way to have a common ground and bipartisan approach to comprehensive immigration reform and I hope we'll come away recognizing that we are in fact a nation of immigrants and laws.

This nation was built upon a successful integration of immigrants into our society. Some of us came in a more untoward manner, but it is important that we work together to find a solution for the American people are counting on us.

And I yield back, Mr. Chairman.

REP. HOSTETTLER: I thank the gentlelady.

The chair will now introduce distinguished members of our witness panel.

First of all, Mr. Jack Kingston, represents Georgia's first district on the south Atlantic coast, and he currently sits on the House Appropriations Committee. He was first elected in 1992 and prior to that served in the state legislature for eight years. He was a strong supporter of the REAL ID Act and other legislation to strengthen enforcement of immigration laws. Mr. Kingston received his Bachelor of Science degree at the University of Georgia.

Ms. Marsha Blackburn, who will be joining us shortly, represents the seventh district of Tennessee, which includes suburbs of both Memphis and Nashville. A small business owner for 25 years, Ms. Blackburn served in the governor's cabinet, followed by the Tennessee Senate for four years, where she spearheaded the effort to strengthen the state's drivers license and credentialing regulations to ban the issuance of state IDs to illegal aliens.

Ms. Blackburn was previously a member of this subcommittee and has been a vocal supporter of the REAL ID Act. Ms. Blackburn is a graduate of Mississippi State University.

Congressman John Carter was first elected in 2002 to represent the 31st district of Texas. He sits on the House Appropriations Committee and is a member of the Subcommittee on Military Quality of Life and Veterans Affairs, Homeland Security and Foreign Operations.

Formerly he was a member of this Judiciary Committee as well. Before coming to Capitol Hill, he was for many years a district judge in Texas and also served as a municipal judge. Congressman Carter graduated from the University of Texas Law School and holds a degree in history from Texas Tech University.

Congressman John Lewis has represented the fifth district of Georgia since being elected to Congress in 1986. Prior to his election he was elected to the Atlanta City Council and appointed by President Jimmy Carter to direct the Federal Volunteer Agency action.

He is recognized as a long time and dedicated civil rights advocate who participated actively in the civil rights movement and the freedom rides. In 1963 he was named one of the big six leaders of the civil rights movement.

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Congressman Lewis holds a Bachelor of Arts degree in religion and philosophy from Fisk University and is a graduate of the American Baptist Theological Seminary in Nashville, Tennessee.

Lady and gentlemen, I appreciate your willingness to testify today. As you are all familiar with the light system we will receive testimony. Without objection your full written statement will be made a part of the record and we appreciate your being here.

Congressman Kingston, you're recognized for five minutes for an opening statement.

REP. JACK KINGSTON: Mr. Chairman and Ms. Jackson Lee and members of the panel, it's great to be with you. In Georgia, the year 2000, there were approximately 228,000 illegal aliens. 1996, the number was 32,000. If you think, that's in four years to have almost an increase of 200,000 illegal aliens.

And of course as usual, since you're dealing with undocumented folks, you can't keep track of any of these numbers. So it could be much worse. We seem to have two different types. Those -- about 100,000 who come in each year as seasonal workers, they tend to be more in the agriculture areas in the south, picking Vidalia onions or cotton or whatever. And they're more migratory. Once they're in the state they don't really stay.

The second type would be people who stay longer.

They're more in the northern part of Georgia, following the textile mills and the poultry factories, and now in the hotel motel resort industries as well. They tend to stay. The impact of these groups, huge budget increases to local municipalities from schools to hospitals struggling with the cost.

Farm workers in Georgia don't have healthcare as a -- usually, as the trend. And according to the Department of Community Health Services in Georgia, in 2004 alone taxpayers paid \$58 million for emergency healthcare for illegal aliens, \$58 million. And, you know, most of that, again, is for the farm care.

Another problem, in the schools, just to give you a practical vignette, it's not unusual to have a child who doesn't speak English with a teacher who doesn't speak their native tongue. For example, the teacher doesn't speak Spanish, the child does, but the child doesn't speak English and yet they have to be in the classroom. And it hurts that child plus it hurts the other 29 students because they don't have an opportunity to move forward because the teacher has to give that child extra attention to try to work through it.

Yet legally of course the doors are open to these illegals. In 2002 it was estimated that Georgia had to spend \$231 million educating illegal aliens. And I'm trying to jump around a little bit for the time of the committee, but the H2A program, farmers are somewhat interested in that, particularly the Vidalia onion farmers, but they have to pay what's called the adverse effect wage rate.

And the way that works is -- it's not like prevailing wage, where you go in and you say, okay, all of the peach workers get paid \$10 an hour on an average, that's what we're going to pay. The adverse effect wage rate says wage rate says anybody in agriculture's all lumped together, so you get a veterinarian who's making \$100,000 a year and then a tractor mechanic who might be making \$8 an hour and you put the mix in there.

And then you have to pay what might become \$20 to a worker to pick onions and that's more than the job is worth. And so our farmers feel that the H2A program, that's one of the major problems with it. And we've got to change that part, but unfortunately it seems like all their competitors are hiring illegal aliens through contract workers and therefore that's what they're going to do.

And they have a problem, that if they want to do a nationality check, then they have to check everybody. Because if they just check one or two workers that's discrimination. So they have to check all 100. I think that should be looked at. But another thing, if people can go to a gun show on a Saturday afternoon and get an instant background check, why can't an employer use the same technology to find out if Joe Blow is in fact an American citizen or not?

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I believe that technology should be available to them. Let's see. Here's another statistic. It comes from -- Mr. Deal from Georgia has introduced the bill that said, just because you're born in America, why do you have to be an American citizen? And I think, you know, years ago ideologically we all felt like, hey, if you're born in America you become an American.

But times have changed and most countries have changed that law who had it or they never did have it, but the cost of that may be as high as \$100 billion a year to provide for children who come in whose mothers are illegal aliens but they have the baby born here.

And, Mr. Chairman, there's some other things but I'll look forward to your questions. And again, thank you for taking a look at this. I think it is something, though, that we can work through on a balanced basis, on a bipartisan basis and address with common sense, and thank you.

And I remember that the distinguished gentleman from Texas worked on the H2A program when I was first here 12 years ago trying to straighten it out. So we know the task in front of us is very big. And that was during Mr. Inglis' first tour of duty up here. So thank you very much.

REP. HOSTETTLER: Thank you, Congressman Kingston.

Congresswoman Blackburn, welcome back.

REP. MARSHA BLACKBURN (R-TN): Thank you, Mr. Chairman. I have bronchitis, so I will be a little soft in the voice today, but I thank you, Ms. Jackson Lee and the committee and thank you for holding the hearing and for inviting me to testify on the impact of illegal immigration in my home state of Tennessee.

In 1990, only 11,000 illegal immigrants resided in Tennessee, today there are at least 46,000 in the state. Many of these immigrants now hold Tennessee driver's licenses. In '01, Tennessee decided to issue driver's licenses without requiring an applicant to produce a Social Security number or prove their legal residency in our country. The result of this policy was a huge increase in demand.

While in the state Senate, I worked to change this ill-conceived and dangerous policy. I proposed legislation requiring individuals applying for a Tennessee driver's license to actually prove that they were in fact who they claimed to be and that they were legal residents.

Today, Tennessee mandates that immigrants only receive a proper driver's license if they present a Social Security number or proper immigration papers. If they do not, they receive a driving certificate. Yet this has not prevented illegal immigrants from obtaining these driving certificates.

In July 2005, two illegal immigrants were arrested as they attempted to get driver's licenses in Knoxville. They paid a New Jersey couple \$950 to travel to Tennessee and obtain the necessary documents and paperwork needed to get the driving certificate. The couple had been doing this for several months and had helped at least 60 illegal immigrants procure these Tennessee driver's licenses. The two immigrants were released three weeks ago and have 30 days to find transportation and voluntarily depart from the country.

Another problem facing both Tennessee and other states is the infiltration of hundreds of illegal immigrants using fraudulent documents to work at nuclear and chemical plants and military bases for contractors. In June 2005, the Department of Energy's Inspector General found 16 illegal immigrants working at the Oak Ridge, Tennessee Y-12 nuclear weapons plant with fraudulent identification.

They had access to official use only documents and investigators stated that this access represented a potentially serious access control and security problem. This is just one example of a growing trend of the U.S. Immigration and Customs Enforcement or ICE department allowing contractors to self-certify the citizenship of their employees.

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Work enforcement is a low priority for ICE as they have continually devoted less and less resources to the area and often lowering the amount of fines in negotiations with employers. GAO has stated that this policy undermines effective enforcement and allows company owners view fines simply as the cost of doing business.

GAO also stated that U.S. employers will continue to hire illegal immigrants because of these lax enforcement efforts and as the proliferation of fake documents increases. I believe it's necessary to make federal contractors who often oversee work at these critical infrastructure sites verify the legal status of their employees. Contractors must not be allowed to negotiate the fines down and ignore the law.

I have introduced two bills to address these problems. H.R. 2049, the Federal Contractors Security Act, would ensure that federal contractors are not using taxpayer dollars to pay the wages and salaries of illegal immigrants. They would be required, free of charge, to use the employee verification program to screen out ineligible workers by verifying names, addresses, Social Security numbers of newly hired employees against the records of the Department of Homeland Security and the Social Security Administration.

Another bill, H.R. 3262, the Employee Verification Accountability Act, would not allow ICS to negotiate the fines down, but instead would level a standard fine of \$10,000 if the employer knowingly hires an ineligible worker.

Mr. Chairman, the driver's license problem is in the process of beginning to be addressed through the enactment of the REAL ID Act. The federal government must begin to prioritize enforcing current immigration laws. If we do not solve this problem, I believe it's only a matter of time before our national security is further compromised.

That concludes my statement, thank you for welcoming me back and I look forward to your questions.

REP. HOSTETTLER: Thank you, Congresswoman Blackburn.

Congressman Carter.

REP. JOHN CARTER (R-TX): Thank you, Mr. Chairman, and thank you, Ranking Member Jackson Lee, for allowing me to come and testify before a committee that I love, as I served on this committee.

I want to start -- I'm not going to go over my written testimony other than just read you something that I think tells you where Texas was in the year 2000, which has substantially changed since that time. In the year 2000, 1 million illegal immigrants lived in Texas, about 5 percent of the state's population. Texas spends \$4 billion annually educating illegal immigrant children and their born in the USA siblings.

About 12 percent of Texas school children in K through 12 are children of illegal aliens. Texas healthcare expenditures for illegal aliens are more than \$520 million a year. The uncompensated cost of incarcerating illegal aliens is more than \$150 million a year. This cost relates to Texas households of about \$725 per Texas household.

This is 2000. Since 2000, Mr. Chairman, there has been an open highway across the Texas border. Pouring in at every entry point and every spot in between, illegal aliens not only from Mexico but literally from all over the world. And I just want to tell you some stories that I personally can recount and stories that I can tell you that my neighbors have recounted to me.

First, let me tell you that the situation on the Texas border today has gotten to be a -- where it is now a community of lawlessness from El Paso to Brownsville. Why is that? Because people have been breaking the law up and down that border, making border crossings for years and now lawlessness prevails across the Mexican border like you have -- you cannot imagine in your worst nightmare.

I just recently joined Congressman Cuellar in Laredo and visited with all of our folks that are working down in the Laredo district. This was within the last month. I brought with me a newspaper -- and you probably can't see it from here -- with the photograph of the wife of an American Laredo, Texas police officer who works in the narcotics division who was kidnapped and taken to Mexico. An American citizen.

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And because her husband would not cooperate with the cartels in Nuevo Laredo she was burned alive and her photograph sent back to her husband to explain why he should have cooperated. It's a horrible photograph and I think everybody should realize that just shows you what kind of lawlessness prevails.

The Mexican government has gone into Nuevo Laredo to try to do something about this and has literally had street gun battles. The chief of police -- the newly elected chief of police was killed within eight hours of taking the oath of office in Nuevo Laredo in Mexico.

That element of lawlessness is spilling across our borders day and night in the state of Texas. We viewed a film of drug dealers operating in platoon strength in what looked like uniforms, night vision goggles, armored vests, carrying AK-47s and satchels of drugs and weapons marching across the Texas border.

And the Border Patrol was filming this but there were only two agents and they weren't about to take on those 48 members of this group that were marching their illegal weapons and drugs into the state of Texas. And they don't stay in Texas. They're headed to every place in this union. The I-35 corridor is the number one drug corridor in America and drugs and illegals are pouring up and down Interstate 35.

I can tell you from long -- I've been dealing with the situation of illegals and being in and around illegal aliens my entire lifetime, I happen to feel like these are some of the most hardworking and in many cases nicest people I've ever met. It's not -- this is not about people.

This is about law breakers. And once you start excusing lawlessness you excuse it all the way up and down the border, and that's what we're experiencing now. If we don't do something about the Texas borders, the costs that I've read to you are going to -- already have probably doubled in the last four years. They're going to double again and again and again.

It's an intolerable situation, it's a dangerous situation and we have to do something about these borders. Talk to the ranchers. They used to watch these folks walk through, cause no trouble. Now they break in, they still their vehicles, they shoot up their houses. These are people -- ranchers that have *lived* on that border for four generations and had these illegals walk through for four generations of their family, never had any trouble till the last five years.

And in the last five years they're scared to go visit their ranch houses on the -- that are -- ranches that adjoin the Mexican border. Mr. Chairman, we've got a crisis situation in Texas and if we -- and pretending it doesn't exist is not going to solve the problem.

It is frightening. It will really take your breath away. And I would hope some time you go down there and talk to the folks that's in the trenches and let them tell you the real world of the Texas-Mexico border. Once again, I have no problem with these folks in Mexico, because many of them are hard working good folks. But this lawlessness situation has got to stop.

Thank you, Mr. Chairman.

REP. HOSTETTLER: Thank you, Congressman Carter.

Congressman Lewis.

REP. JOHN LEWIS (D-GA): Chairman Hostettler, Ranking Member Jackson Lee, members of the subcommittee, I'm honored to be here and I thank you for the opportunity to testify before you today on such an important issue.

I commend you for examining this issue and hope that as a consequence of these hearings we as a nation and as a people will move closer to a workable solution to serve everyone better, much better. A solution that preserves the very things that define us Americans, our diversity, yet recognizes that we don't have to choose between being a nation of immigrants or a nation of laws.



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If we're deliberate in our approach I think we can all reach the conclusion that we can be both. The United States is a nation of immigrants. Our nation was founded by immigrants to this land. Each of us in this room, save those of native American heritage, can call ourselves immigrants or descendants of immigrants to this country.

And every generation of Americans has been strengthened by the work, effort and values of those who join the American society from abroad. Our diverse immigrant roots have shaped this nation and made us what we are today, a culturally rich, diverse land with opportunity for all, and as such we are the envy of the world community.

Unfortunately, our current immigration system is fraught with problems. Problems serious enough to threaten the very essence of who we are. There are about 10 million undocumented immigrants living and working in the United States, filling gaps in the labor market by enduring low wages and poor working conditions.

Unscrupulous employers continue to turn a blind eye to their undocumented status in order to take advantage of their willingness to work below the prevailing wage and without benefits. These workers often live in the shadow of our society, using false identification documents and because they fear being discovered, rarely report crimes committed against them, making them easy targets.

Demand for low skill labor continues to grow in the United States, but the number of Americans willing to work in these jobs continues to decline.

This problem is made worse by the fact that our immigration laws are out of tune with our nation's changing economy.

Currently there is no legal channel for low skill yet the essential immigrants worker to enter the United States to meet our labor demands. The consequence of this is the continued flow of illegal workers, bringing with it a whole set of problems including smuggling, document fraud, needless deaths, unofficial low wages, not to mention untold violations of civil rights and civil liberties.

As long as unprincipled employers are willing to hire them, these undocumented workers will continue to try to immigrate, by whatever means possible, with the hope of finding a better life and experiencing the American dream. Meanwhile, millions of close family members of legal immigrants wait to be reunited as their applications remain in visa back logs for years, even for decades. That must change.

Our immigration system is in dire need of an overhaul. The system we have got in place is clearly broken. It serves no one well. Not the immigrants, not businesses who rely on their labor, not our national security and not the American people. And the problem is growing daily.

No longer, Mr. Chairman, just an issue of border states, this has become a nationwide concern. Even in Georgia and the rest of the mid south, far from the nearest land border, the undocumented immigrant population is growing rapidly, including the states like North Carolina and other parts of the southeast.

Congress must act. That said, however, I caution you not to apply the sledgehammer approach. We must be careful not to throw the baby out with the bathwater. It is essential that something be done soon, but it is even more important that whatever we do must be done right.

We need comprehensive reform to secure our borders, reunite families and benefit the American economy. In recent testimony before the Senate Judiciary Committee, my friend and colleague, Senator Kennedy, put it this way. The past debate has long been polarized between those who want more enforcement and those who want more visas.

But to prepare for this program, he said, we need to combine increased enforcement and increased legality. Better border control and better treatment of immigrants are not inconsistent, they're two sides of the same coin. I agree with what Senator Kennedy had to say.

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And I must close by saying, Mr. Chairman and members of the subcommittee, it doesn't matter whether we are African American -- whether we're African American, Asian American, European American or native American. It doesn't matter whether we're white, black or brown. We're one family. We're one house. We're one people.

It doesn't matter whether we're new immigrants or whether we can trace our immigrant heritage back for generations. We should all be able to share in the fruits of this great land. Maybe, just maybe our foremothers and our forefathers came to this great country on different boats, but we're all in the same boat now.

Thank you, Mr. Chairman.

REP. HOSTETTLER: Thank you, Congressman Lewis. At this time we'll turn to questions from members of the subcommittee.

First of all, Congressman Carter, Judge Carter, you made a very profound point, and that was when you said -- and I'm going to paraphrase it somewhat -- that once you excuse one form of lawlessness, then it shouldn't be surprising -- and this is where I'll take a little liberality -- it shouldn't be surprising that other lawlessness follows.

Is that -- would you agree with that?

REP. CARTER: Oh, absolutely. And, you know, in our present theories of law enforcement we've learned that. That's why we have the new theory of community patrolling, which encourages cleaning up of the inner cities. Because we've learned that if you give people -- if a community looks and acts lawless, then lawlessness comes into that community and expands in that community.

We've learned that in our cities already, and we've had successes by going in and having people just clean up and join in an effort to stop lawlessness, lawlessness reduces. On the border, when you have an element that -- a whole industry of people that are breaking the laws of the United States every single day. And nothing happens to the people who break the laws of the United States.

Then the next phase is if they can't stop that they're not going to be able to stop -- we used to have small amounts of drugs coming across the border. Now we have massive amounts of drugs coming across the border. You used to have basically no arms trade. Now we've got a huge arms trade.

In fact, I was talking to a lady from Houston who has a ranch down on the border, they have game fences, the tall game fences so the deer don't get out. She said nobody ever cut those fences, none of those -- none of the illegals that went through ever cut those fences.

Now they're cutting them. So there's an easy way to find out why. You just go out, everybody that speaks Spanish, and talk to some of the workers that work on the ranches. Why is this happening? Well, they can't get the arms boxes over the fences, so they cut the fences.

That ought to be frightening every person in America, that if that's the reason they're telling those ranchers that those fences are getting cut, it's because they're bringing in too large shipments to push them over a fence. That's a frightening thought. That's what I'm talking about, the element of lawlessness. And it's just going to get worse and worse and worse.

REP. HOSTETTLER: Would you say that the initial form of lawlessness --

REP. CARTER: Is the illegal immigration.

REP. HOSTETTLER: Is coming across the border in the first place?

REP. CARTER: That's right.

REP. HOSTETTLER: Illegally.

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REP. CARTER: It's -- once you have a culture of, it's okay to break the law, it just grows. And we've got lots of experience in law enforcement over -- you know, centuries, to know that that's true.

You look at our history of our country on the east coast, even, in the big cities on the east coast and you can see that at times when lawlessness broke down -- when it became a lawless community, it gets worse. That's what we've got. It's getting worse. And it's now becoming -- you know, we had 60,000 OTMs -- other than Mexicans -- in the Laredo area -- this was according to our people -- that had been caught and released, 60,000 in the last year.

These are people from other than Mexico that have come in, caught and released. Now, we don't know where those people are. We've got 500,000 people who are gone. We have turned them loose and we don't know where they are. We caught them, turned them loose and we've got no idea where they are.

They haven't reported to court, they're somewhere -- I can tell you talking to the folks around my neighborhood, they're all going to Chicago. That seems to be the promised land in my part of Texas. Everybody seems to be headed for Chicago. I don't know what's in Chicago, but they all seem to be -- if you talk to them, oh, when I get through with this job, I'm going to Chicago.

So it's going all the way from our border to Canada, people are headed that way.

REP. HOSTETTLER: Thank you, Judge.

Congressman Kingston, according to the Atlanta Journal- Constitution, Georgia State University granted four illegal aliens of local high schools full tuition scholarships last year. Do you think that the people of Georgia wanted to pay those tuitions? Especially those who are putting their children through Georgia colleges?

REP. KINGSTON: No, Mr. Chairman.

And as I understand it, the state legislature has that as one of their top priorities, that there is some quirk in the law that you cannot ask an applicant to a college if they are an American citizen or a legal American citizen or not.

There is something that they're trying to address. But really you get to where there's a rub in general, and that is for people who have followed the law such as my uncle, who was a legal Hungarian refugee who migrated to America, waited in line, did not speak any English but did all the things right and what you're -- the signal is, hey, you can break in line and the benefits are there whether you have followed the laws or not.

And that's what the people really are mad about. We need a fair and balanced common sense immigration policy.

REP. HOSTETTLER: Thank you.

The chair recognizes the gentlelady from Texas, Ms. Jackson Lee, for five minutes.

REP. JACKSON LEE: Thank you very much.

Let me thank the witnesses for their testimony, and I want to, if I will, probe some of the solutions that we might be able to have.

Mr. Kingston, can you just highlight again -- you -- obviously Georgia has, similar to many of our southern states and western states, a rural economy. And you were complaining or at least said that there needs to be a fixed H2A. Would you restate that for us again?

REP. KINGSTON: One of the problems is that the H2A requires that workers be paid the adverse effect wage rate. And because that's different than the prevailing wage rate which we often talk about in regards to, say, Davis-Bacon, where you get one type of industry, pull it together with the same types and come up with an average wage, the adverse effect wage puts dissimilar vocations together and it increases the wage.

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And the example I'd given is you can have an agricultural veterinarian thrown in with an agriculture mechanic and it skews what the wage rate is. But that's what you have to pay a migrant worker who's come on to your farm to pick peaches or onions or whatever.

And so because of that it's very expensive for a farmer to legally hire H2A workers. On top of that, he has to provide transportation and housing. And we've had farmers who say, I want to do the whole thing and do the whole thing right, and two or three years down the road they just get disillusioned because none of their competitors are doing it.

And that gets back to one of the problems, is that -- and I think you mentioned it in your opening statement, that there were only three enforcement actions in the country this year. That's one of the biggest problems, that there is not the enforcement of the existing laws. And so there again for a farmer who wants to do it right, follow an H2A to the letter, he's penalized because no one else does.

REP. JACKSON LEE: Well, you know, that's what I think would be the answer to your concern. Of course, we over the years I think in a bipartisan manner instructed or at least directed the various agricultural entities to provide transportation and housing, because we were trying to create a better quality of life for the legal migrant worker that was utilized by industries in the southeast and then on the west coast and the wineries and other agricultural entities.

So I think what we would look for is some kind of fix that evens it out. We shouldn't discourage the farmer who wants to do it right, to applaud or to affirm those who want to do it wrong. Which is one of the reasons that I think we must look closely at the guest worker program and how it works, because in addition the question is that we have many numbers of migrant workers who are here who obviously or may not likely take a trip back out of town or out of the country to make good on the guest worker program.

And so there may be -- when we talk about a bipartisan solution, looking at the H2A to try and fix it, make sure it's enforced so there's not an imbalance. But also look at earned access to legalization for those who are here, the strict criteria.

I want to ask questions to each of you, and I'm going to say them first so that I can have an opportunity to hear your answers.

Congresswoman Blackburn, I'm interested in the federal funds being used to pay illegal immigrants. Interestingly enough, the Congressional Black Caucus and Congressional Hispanic Caucus have been interested in that issue and we're coming together around a policy statement, because it impacts a lot of our constituents as well and I think it's a very valuable initiative.

And I'd like to raise with you the fact that fraudulent documents has been a great concern. I would like to offer the thought of a fraudulent document taskforce that draws together all of the police entities on the federal level so that we can know what Peter's doing and what Paul is doing and find out the trail of fraudulent documents.

Do you think that that would be a constructive approach as we begin to look at how we can start fixing problems?

REP. BLACKBURN: I think that looking at the documentation of course is one of those, and that is what led to the Federal Contractor Security Act, which is 2049, the bill that I mentioned. For those companies that would choose to contract with the federal government, they would be required to use the Employee Verification Program, which is the 1800 number dial in program.

We know that there has been success with that and the test pilot. And they would be required -- the employer would be required to enter whatever documentation number the individual has. So that would give us one tool that we could use. Another -- and this would be covered separately in different legislation, but I appreciate the point that you're making.

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The actual appearance of the document. And we hear that from employers also, and I'm sure that's what you're referencing, that they look at these documents in front of them and they do not know if they are valid or if they're counterfeit. And there seems to be a problem in their ability to discern that.

Local law enforcement is requesting tools, our drivers testing stations are requesting those tools and are requesting additional guidance.

REP. JACKSON LEE: And would you think then that a federal task force on fraudulent documents securing information from around the nation would be helpful to be able to track down these sources of fraudulent documents?

REP. BLACKBURN: I'm not so certain that we need to say an additional bureaucratic entity is what is needed. I certainly think that the resources exist within ICS, within ICE, within different entities that are there. And it goes back, in my opinion, to what I said in my statement about prioritizing the use of those resources.

REP. JACKSON LEE: If the gentleman would yield me an additional minute? I ask unanimous consent for an additional minute?

REP. HOSTETTLER: Without objection.

REP. JACKSON LEE: Let me just say that I think -- let me just -- to Congressman Carter and to Congressman Lewis, and we appreciate your time, I'm going to ask the question, if you could go ahead and answer it.

Judge, you hit the nail on the head. And I think, however, we have to decipher -- we had an earlier hearing on border violence, I've been to the border as well. We had Congressman Cuellar here visiting us. But I think there's very important -- if you might comment to distinguish the outright outcast criminals that are bringing in guns and drugs that have accelerated because of the extreme violence that Nuevo Laredo and other places, from economic, undocumented that we need to address in the immigration system.

We had here the Department of Justice at the earlier hearing. But find a way to recognize that smugglers are bringing in both people, drugs and guns, but we must I think take a direct concerted effort to the violence. If you may comment on that.

And, Congressman Lewis, and might I say that one of the issues I think when we talk about Border Patrol agents has to be resources.

We can't talk about bureaucracy and there's too much bureaucracy when we need to fight this war. So it's a question of whether we fund our Border Patrol agents, whether we give them the tools of anti-smuggling units, whether we give them fraudulent coordination systems is very important.

But, Congressman Lewis, with your history in the civil rights movement -- and I will yield to Judge Carter and then you -- can we find a way, is it not complete to say that how we treat our immigrants is how we're perceived around the world and how we find a balance, as you have so eloquently said, speaks also to the histories that America's gone through in the civil rights movement when there were others who had a second class status.

Congressman Carter, just on this issue of the violence, the extreme violence at the border.

REP. CARTER: Thank you, Ms. Jackson Lee. And I agree with you whole-heartedly. You know, one of the real tragedies of the human smuggling is coming across that border, and the actual people who are losing their lives and suffering very terribly.

And these are -- as I said in my statement, I have great sympathy to these hardworking people who want to work. I have visited for years, I've practiced my Spanish, every chance I get to talk to these people, because I learn from them. And my position on this from a person who's been involved in the law for a long time, is I don't want any American citizen or future American citizen starting their life as a law breaker in the United States.

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We can come up with a better plan to allow people to start their lives in this country legally. And I'm not opposed to working out a solution for the immigrant status of these people. Not at all. But I first feel like we have to give the confidence to our citizens that our borders are safe and then work out a plan for the rest of them.

And that's why I'm one of these secure the border first people, because it's dangerous. But I have a tremendous amount of sympathy for those who come across -- they do -- I think most all Texans have lived there a long time. We've been interacting with these people our entire lifetime. And they are our neighbors.

And we don't have a -- you know, I don't personally have a problem with any of these. In fact, I've got some pretty good friends in that community. They -- you know, they don't vote for me, or at least I hope they don't, but the facts are it's a situation where human tragedy joins with dangerous activity to make lawlessness an element on the border.

So let's shut down the borders first and then let's work out a program to have everybody be first class citizens when they become Americans, not those who started out as criminals.

REP. LEWIS: Congresswoman, I think it's important for us as a Congress and as a nation to come up with humane and compassionate ways to treat immigrants. It is a reflection on who we are as a people, who we are as citizens -- not just of America but as citizens of the world. The world is much smaller.

In this age of communication and information, you can sneeze in Houston and we can feel it in Atlanta or feel it in New Delhi or some place. And we've got to be very mindful and sensitive. So we need to come up with a blueprint, a road map, and be mindful -- you know, just look.

What America is today, it's not going to be the same America in 20 years from now or 30 or 40, 50 years. Americans are going to be browner. We have to face it. It's not just going to be white and blacks, but it's going to be more brown and we're going to look more like the world community.

And we have to take a long, hard look, not just do a quick fix for next week or next month or next year, but for a generation yet unborn.

REP. JACKSON LEE: Thank you very much.

REP. HOSTETTLER: The chair now recognizes the gentleman from Texas, Mr. Smith.

REP. SMITH: Thank you, Mr. Chairman. Mr. Chairman, let me at the outset make a quick observation. And that is the obvious, that three of our four panelists today are not from border states.

This would not have been thought of 10 years ago or even five years ago, but I think it shows how far the problem of illegal immigration has spread or, if you don't consider it a problem, then how far the phenomenon of immigration has spread. And I noticed that that's true of our other panels as well, that a majority are not from border states.

Let me address my first comment maybe to Congressman Kingston and Congressman Carter, because both of you all emphasized the cost of illegal immigration. You gave examples of education, of incarceration, of healthcare and so forth. The way is see it with illegal immigration continuing to increase, those problems are only going to get worse.

And just this last week I ran across a figure that I'll pass on to you which isn't going to be reassuring but will reinforce what you just -- the point you just made. And that is that 20 percent of all births in California are now to illegal immigrants, and 10 percent of all births in America are now to illegal immigrants. And that's just going to compound the problem.

Congresswoman Blackburn, you and Congressman Kingston mentioned the problem of verification of employees who are not in the country legally. And you're right. Congressman Kingston mentioned the technology is available

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and indeed it is. What is not available or what is not evident, frankly, is the willingness to implement that technology and to make those checks.

If we did so we would have good grounds for trying to implement a better system, whether it be the H2A system that Congressman Kingston and I worked on those many years ago or other systems. But unfortunately that continues to be a problem just because of the unwillingness to enforce both current laws and to enact new laws.

And, Congressman Carter, you mentioned crime specifically and you and I have talked about this before. Let me add another statistic to the mix as well. And that is that over 20 percent of all federal prisoners today are in fact illegal immigrants. About half of them have been convicted of -- all of them have been convicted of felonies, but half of them have been convicted of drug dealing.

So if you want to reduce crime in America, if you want to reduce the costs of incarceration, if you want to make our communities safer, then you simply need to know who's coming across the border, why and for what reason they might be coming across. Unfortunately, not everybody is coming across for the right reason. If they're coming across illegally, to me they shouldn't be coming across at all.

And so far I haven't gotten to many questions, but, Congressman Lewis, let me ask one of you. Are you at all troubled -- and you mentioned employees as well. Are you at all troubled by all the studies, both liberal and conservative, that have found that illegal immigrants compete directly with American citizens and legal immigrants in this country for -- particularly for blue collar jobs?

In every study, middle or conservative, middle of the road, independent, whatever, has found that wages have been depressed as a result, jobs have been lost, it's really simply a matter of supply and demand when you have many, many people willing to work for minimum wage or below that competition is going to result in an adverse impact on, as I say, legal immigrants as well as citizens.

Do those -- does that wage depression and job loss concern you?

REP. LEWIS: I think, Congressman Smith, we've got to continue to find ways to grow the economy and create the most jobs. You cannot visit certain parts of Georgia or other parts of the country really and see the large number of recent immigrants to our country or to the city of Atlanta working.

They're black, they're Hispanic, they're white. I think that's what America's all about. People are going up to North Georgia that Congressman Kingston would know about, working in the poultry industry.

I don't think we should be afraid of people coming in doing some of the necessary work that needs to be done.

REP. SMITH: Okay. Maybe we can discuss this further just as members perhaps, but there isn't a job in America that isn't performed by citizens willing to work hard. Many jobs in America are performed by illegal immigrants, but they're probably not as high of a percentage as a lot of people think.

And unfortunately in those particular professions, be it construction workers or maintenance, the unemployment of Americans and legal immigrants is in the double digits because of the competition with the illegal workers. So that's something we can continue to discuss --

REP. LEWIS: Congressman?

REP. SMITH: Yes?

REP. LEWIS: Sometimes when you look at a certain industry it's not just the hard manual labor, but you should come to certain cities, say in Texas or California or in Georgia, look at the taxi cab industry here in Washington. Look at certain other industries. Those are the people that the employers are hiring.

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Something is going on there. And it's not just a matter of immigrants taking jobs from Americans, something else is happening there. And that's why I think we've got to look beyond.

REP. SMITH: Well, to many employees it's just a matter of cheap foreign labor, and they'll pick that over others.

One other point to make, and you're welcome to respond if you want to. And that is, I love the idealistic theory of -- and agree with the idea of one nation, one people. And I acknowledge as much as anybody else that our country is great today because of the contributions of immigrants.

We would not be the great nation we are without their contributions. However, I hope that you would make a distinction, as I do, between legal immigrants who have played by the rules, waited their turn, obeyed our laws, sometimes been waiting patiently for years to come into our country the right way versus those who flaunt our laws, cut to the head of the line and break other laws, take advantage of our taxpayers, basically steal from them with all these costs.

To me there is a distinction between legal and illegal immigrants that I would hope that you would consider.

REP. LEWIS: I consider that, very much so.

REP. SMITH: Okay.

REP. KINGSTON: Mr. Smith, I wanted to comment though also, because remember, when we talk about the felons and the more violent criminals who have maybe gotten into this country for a job as illegal aliens and then they broke another law and they were arrested for drugs, but remember, the other person who broke the law was the employer who hired them.

And we do need to enforce the law, as Ms. Jackson Lee said, and I totally agree with that. But, you know, even when you can't enforce the law, that doesn't excuse employers for not following the law. And I think that there is maybe in Congress a bully pulpit opportunity that we, through the chambers of commerce and the NFIB, have to say to the hotel motel owners, the lawn service folks and the taxi cab companies that Mr. Lewis mentioned that, you know, you're breaking the law.

And so, you know, it's not a matter of blaming it just on that guy who came over the Rio Grande, you broke the law also.

REP. SMITH: That is a good point which I appreciate being made.

And thank you, Mr. Chairman.

REP. HOSTETTLER: And you will find a hardy amen chorus to support both of the gentlemen from Georgia's assertions.

The chair now recognizes the gentleman from California, Mr. Berman, for questions.

REP. HOWARD BERMAN (D-CA): Well, thank you very much, Mr. Chairman, and I apologize for being late, I was at another meeting. I did want to come to this. But I want to just pick up -- at least in perhaps your reactions, following on something you said when I wasn't here, but my Judiciary staffer was watching on television and just briefly reported.

This issue of the employers. We know the fundamental flaw of the 1980 -- there were several flaws, but one of the fundamental flaws was that the employer sanctions were a joke. Because for understandable reasons, the business community did not want each employer to become a little INS enforcer, so you said there'd be some documents and if the employee presented those documents the employer could rely on those -- the authenticity of those documents.



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We then created an industry in the manufacture and distribution of false documents. But the present situation in 2005 -- I'm going to take an issue you talked about, agriculture. This has been true for a very long time in the west but now it's true in Georgia and in a whole bunch of other places as well.

A huge percentage -- I think in California it probably is close to 90 percent, it may be less in some of the other places, but it's very substantial -- of the people involved in the planting and harvesting of perishable fruits and vegetables and nursery workers, areas where it's not highly mechanized, where you -- it's not like corn and wheat and grains.

A huge number of those people are undocumented workers, illegal immigrants, whatever you want to call them. Every grower knows it. Some of them go through efforts to hire farm labor contractors or to contract with farm labor contractors so they can act like they don't know it, but they all know what they're doing.

The grower -- and I remember talking to a couple from Georgia, in fact, who was trying to do it through the guest worker program, the H2A program, to compete with the growers, the vast majority of whom were quite willing to look aside at the documents or to use a farm labor contractor, the employer were at a tremendous competitive disadvantage for a number of reasons.

Now, you and I are going to have differences on the adverse effect wage rate, because to move to a prevailing wage rate in an industry where the wages are so depressed by the presence of large numbers and a potentially enormous oversupply of undocumented workers depresses the wages so the prevailing wages become the minimum wage. And the adverse effect wage rate, complicated though it is, has been effective.

There is a proposal which I've been very involved in called Ag Jobs to try and come to a restructuring of office. And one of the things it does is make a number of changes in the H2A program. It gets rid of all the procedural road blocks to utilizing guest workers, it puts a freeze on -- a temporary freeze on the adverse effect wage rate so that wages won't be cut, that particular problem.

And it attempts to deal with the reality of the 70, 80, 90 percent of the agricultural workers. If we don't want a perishable food and vegetable industry in this country we can ignore this situation and just try to start banishing everybody.

But if we do think it's important to keep that industry in this country, we have to take -- grapple with reality, we have to deal with who's picking the crops now and what status they're going to be in, and we have to avoid the mistakes of the 1986 bill by having a verification system for the future so that the employer can very simply determine through a phone call, through whatever the mechanism is, that the person who is seeking that job is truly here with authorization to work.

And so, I mean, I think there are ways out of this. You can denounce anything you want as an amnesty. A proposal which says, they came into this country so they have to come home -- go back before they come in again is an amnesty, because it's -- it's not holding against them the fact that they came here illegally.

You can call anything an amnesty and defeat everything by doing it. But I just think a comprehensive solution that deals with border enforcement, that provides a true verification program for the hiring of all workers so we don't get into issues of do they look foreign or are they domestic but all workers, that that person has the authority to work, and then as a realistic solution to the situation we're faced.

And it's not just agriculture. John Lewis mentioned others. It's in the construction industry now, it's all over. We -- this is a -- we are in a terrible situation now. The guy who is trying to do it the right way is at a tremendous and the issue of the employer that you mentioned is absolutely right. Because the guy who wanted to do it right, he can't end up doing it right.

He gets -- he goes the same way as all the rest of them, because he can't survive in the industry. He has to quit, because he can't survive doing it this way. So that's my pitch, and if you have any reactions I'd be interested.

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REP. HOSTETTLER: Without objection the gentleman will have an additional minute for responses from the panel.

REP. BLACKBURN: Mr. Berman, I agree with much of what you have said, and forgive me, my voice is not full strength today. That is what led to both the pieces of legislation that I talked about in my testimony, H.R. 2049, which is the Federal Contractor Security Act and requires a company, if it is going to do business with the federal government, taking taxpayer money and paying employees to verify the people working on those projects are who they claim to be.

And this is important not only because of the immigration issue and how embarrassing it is to our government when our government conducts a raid on a government site and finds illegal immigrants there, but it's also important because of those who misrepresent who they are in order to get into sensitive areas and get this sensitive material.

The other thing -- and this goes back to one of Mr. Lewis' points. All of us have constituents who would like to have the opportunity to work on those projects where they are paid a good wage. And many a time they lose that opportunity because the job will go to someone who is in the country illegally and is working for a lower rate.

And then that individual that is working for that lower rate who is here illegally is not going to have other protections provided through the law.

REP. BERMAN: Could I just respond to that one point, Mr. Chairman, or is that --

REP. HOSTETTLER: Without objection.

REP. BERMAN: Thank you very much.

I use to believe that, and I thought in fact at times the gentleman from Texas and I were aligned, because I believed a lot of this was an effort to get past the workers -- I mean, there was a market place, you paid decent wages, you got the workers and it was much easier to bring in and recruit illegal workers because you could pay them less because they wouldn't -- it was good from their historical perspective.

But I've come to the conclusion that in agriculture specifically and I think in some other -- we call it unskilled or entry level, although I -- I mean, we talk about -- I mean, I think I'd rather spend 30 days in the county jail than pick fruits and vegetables all day long. That there probably is -- there are probably shortages of workers.

That there aren't a large number of U.S. workers who are going to come in and pick those crops if we could just get rid of all the illegals. And the real consequence is we're going to lose that particular industry in this country. We will export the highly mechanized products, the corn and the wheat and all that stuff, and we will import all our fruits and vegetables. And that would be the consequence.

REP. BLACKBURN: Yes, sir. Some of the construction in --

REP. BERMAN: Those are higher paid.

REP. BLACKBURN: -- labor in these federal contractor projects, we do have that situation. The other bill I have, 3262, is the Employee Verification Accountability Act. And that speaks to some of the things you referenced in the '86 Immigration Bill.

It would remove the ability of employers to negotiate down those fines, because that is what we find they are currently doing. They are continuing to hire -- knowingly and willingly hire individuals that have entered the country illegally, and then they're going in and negotiating down that fine and considering it a cost of doing business.

And that practice is not fair to anyone, much less it is something that's against the law.

REP. HOSTETTLER: Judge Carter?

REP. CARTER: Mr. Chairman, if you could just give me -- I'd like to respond.

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Mr. Berman, we have the same industry in Texas. We pick fruits and vegetables in the Rio Grande Valley, so I know exactly what you're talking about. And this -- and I think as we put our heads together hopefully across the aisle to try to come up with a solution to this problem, let me point out to you the fact that we've got a catch 22 that can happen here.

I think we can look at what we did in the -- I will call it Regan amnesty program. I doubt very seriously in Texas, Florida or California that anybody that got amnesty in 1986 or whenever it was under that program is picking fruits and vegetables in our state any more. And that's what we have to look at.

As we legalize people here, their status automatically qualifies them to move to the next level of labor and go up the salary chain and rightfully so.

REP. BERMAN: That's the American way.

REP. CARTER: That's the American -- rightfully so.

REP. BERMAN: And that's why you need to have some kind of temporary foreign guest worker program at the same time.

REP. CARTER: I happen to agree with you on that, but it has to be something where we know when they're going to get here and when they're going to go home. But I do -- and I don't want to lose that industry. We definitely don't want to lose it in Florida or Texas or California, because these industries are important to Americans.

And we actually produce better produce than the rest of the world does. So we've got to be able to -- I agree with you whole-heartedly and I would support a plan to come -- where people come in legally or for a contracted period of time, stay that period of time and go home.

That's a good plan, that's a good thing for us to start looking at. But anything that legalizes the people that are here, you don't expect them to pick those fruits and vegetables because they don't have to any more, and then the next wave of illegals will come across that border unless we do something about the border.

REP. HOSTETTLER: The gentleman from Georgia is ripe.

REP. KINGSTON: Yeah, I wanted to say, I think as Mr. Berman has outlined it, I think you have a very common sense solution, and you're not talking about amnesty and I certainly agree with your definition. Send them home, let them get re-documented and let them come back.

And -- oh, if that's what I interpreted you saying. But I wanted to say this, really was my point, was that the last guy standing following the law is out of business. We've heard over and over again, you know, farm folks, brick masons, sheet rockers, painters, roofers, it's all the same thing.

You know, I didn't want to do that. But all my competitors did and I had to stay in business.

And so to have a reform and not put in employer sanctions is ridiculous, because we'll just get -- you can reform all you want, but you have to include the employers in the formula. And that was it.

REP. LEWIS: If I could just respond for a moment, it's just not the private sector. And I think the gentlelady from Tennessee made the point, as you travel to almost any major city in America and spend some time and talk to people, who are the people that are working -- repairing the streets? Repairing the roads in certain major cities in America?

And so we shouldn't just put it and say it's the private sector, it's the person who's building the building, it's the school system, it's local government, it's county, probably state and probably federal also, if we really did our homework. I think we have to find a way -- the people that are here, find a way to make them legal.

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I don't understand this fear about not giving people driving licenses. Don't we want our streets to be safe and want people to know how to drive? I don't understand this thing about not providing healthcare, don't we want our people to be healthy? Everybody?

So it's important for people, whether they're here legally or illegally, to have access to healthcare. To be able to have a legal driving license. What is the fear? And we talk about building walls and fences, I think it was Robert Frost who said, when you build a wall, when you build a fence, what are you trying to fence in and what are you trying to fence out?

What is the fear? We need to come up with a blueprint, a road map, and do it right.

REP. HOSTETTLER: I thank the gentleman.

The chair now recognizes the gentlelady for one minute for a question that she wanted to pose.

REP. JACKSON LEE: This is such a ripe session. And I think you members very much, it really is helpful to our committee.

REP. HOSTETTLER: We keep using these fresh fruits and vegetable analogies.

REP. JACKSON LEE: At first I'd like to ask that the chairman ask unanimous consent to place in the record the article from the Houston Article, "Eight people accused of smuggling girls for prostitution."

REP. HOSTETTLER: Without objection.

REP. JACKSON LEE: Let me ask Judge Carter and Congressman Lewis in terms of solutions and let me pose this question again on the fraudulent documents. We've come with a lot of testimony of the abuse of fraudulent documents but also what it does to employers and others who are trying file them off.

And so we would hope that if you would from the judge's perspective be able to say what it would be helpful to have, a task force that comes out of the law enforcement, the DEA, the FBI, sharing that information they have on fraudulent documents.

And let me just finish with him, Congressman Lewis. Congressman Smith asked this question. Legislation that would include protecting of American jobs -- because you just said, you know, we've got -- the people are here. But if we have language that talks about protecting American jobs, outreaching to minority and underserved areas in terms of providing training with the fees, for example, that immigrants pay, wouldn't that be the kind of message we want to send to Americans?

That we want to protect your jobs, we want to outreach, whether it be minorities or others, but we have to find a fix to these problems as well? And I'll let the judge answer and then if you would answer. If we put in the immigration bill a way to protect American jobs, a way to train young people, a way to outreach, would that be also an effective tool?

REP. CARTER: You know, Ms. Jackson Lee, in Texas it's against the law to buy liquor with a false ID?

REP. JACKSON LEE: I do know that.

REP. CARTER: We're all very aware of that, because that is a problem in our high schools and so we made it against the law. And we made it a Class E misdemeanor, which can carry up to six months in jail and up to, I believe, a \$5,000 fine. And it curtailed that.

Now, people can use that same false document to get a job, to come report for jury service -- I spent -- once we went to driver's license selection for jury, I spent the first 15 minutes finding somebody to speak Spanish to talk to the crowd to make sure that just because you had a driver's license didn't mean you could be on the jury, you had to be an American citizen to be on the jury.

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And I had to ask 15 or 20 to get up and leave. Every jury service, every week. If we make it illegal and we put punishments on using these things and we put punishments, -- it's against the law for a liquor store operator to accept a false ID. Now, why can't we be -- and it's against the law for these people to hire these folks with these false documents.

Make -- I mean, I believe in making people responsible for their own actions. I think the employers should be responsible for their actions. I think these people that are making applications for these jobs should be responsible for their own actions and we should enforce the law.

We have a good system in every state in this union for enforcing the law, let's do it. You know, I could never get INS to pick up people in jail that were illegal immigrants. Ever. I called them personally. Over 20 years of service to the -- on the Judiciary and I never got them to pick up one. Ever. Except on Tuesdays, that's the day they came to town.

So, you know, we're not using a lot of the tools we've got in place. We've got them in place. We can use them, if we'll just do it. And you've raised a very good point. We need to enforce the laws that are on the books. All swearing against the law in Texas, and I think every other state in this union. Yet you swear on millions of these documents to get them.

These are issues we can address. And we don't. And that -- that leads to this element of lawlessness and encourages people to go ahead and break the law if nobody's going to punish you, nobody's going to say anything to you. I'm just an old law and order guy, you know, and I believe if we enforced a lot of our laws it works.

REP. JACKSON LEE: Mr. Lewis?

REP. LEWIS: It's important, Congresswoman, for us to find the necessary resources and appropriate the necessary resources to train people, especially young people. There are so many young people growing up in America today without any sense of direction, any sense of purpose. And in many of our cities and rural communities we need to make available the resources, the tools.

You know, everybody's not going to go to Harvard or to Yale or to Morehouse or Spelman, Atlanta, University of Georgia, wherever. They need the skills, they need the tools. And we have to be prepared and willing as a Congress and a nation to spend the necessary resources to prepare people for the workforce.

REP. HOSTETTLER: I thank the gentlelady.

REP. JACKSON LEE: I thank you, Mr. Chairman, for your indulgence. And that speaks to the Save America Comprehensive Immigration Reform Bill and I look forward to our hearings, and this is my -- this is the document. Thank you very much for your presentation.

REP. HOSTETTLER: I want to thank the witnesses today for your invaluable testimony and contribution to the record on this very important issue. All members will have seven legislative days to make additions to the record.

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

## Classification

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