

# **U.S. REPRESENTATIVE JOHN N. HOSTETTLER (R-IN) HOLDS A HEARING ON AMNESTY FOR ILLEGAL IMMIGRANTS**

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## **Body**

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HOUSE JUDICIARY COMMITTEE: SUBCOMMITTEE ON IMMIGRATION,  
BORDERS AND CLAIMS HOLDS A HEARING ON **AMNESTY** FOR ILLEGAL  
IMMIGRANTS

JULY 18, 2006

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U.S. REPRESENTATIVE JOHN N. HOSTETTLER (R-IN) HOLDS A HEARING ON AMNESTY FOR ILLEGAL IMMIGRANTS

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HOSTETTLER: The subcommittee will come to order.

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

At this hearing, we have the opportunity to examine how the United States dealt with illegal immigration 20 years ago, why that approach did not work, and the direction we should take in light of our past failure. In 1986, there were approximately three million illegal aliens in the U.S. Congress responded by passing the Immigration Reform and Control Act, or IRCA. There are several key features to IRCA. First, it provided amnesty to 2.7 million illegal aliens in several different categories. Aliens who had been illegally present since 1982 were granted a general amnesty, while agricultural workers who arrived more recently were granted amnesty under the special agriculture worker program.

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

Congress rejected recommendations made by the Select Commission on Immigration and Refugee Policy in 1981, which stated in part, "The Commission believes that a legalization program is a necessary part of enforcement, but it does not believe that the U.S. should begin the process of legalization until new enforcement measures have been instituted to make it clear that the U.S. is determined to curtail new flows of undocumented illegal aliens. Without more effective enforcement than the U.S. has had in the past, legalization could serve as a stimulus to further illegal entry. The select commission is opposed to any program that could precipitate such movement."

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

Time showed us that IRCA has utterly and completely failed, mainly due to the fact that Congress did not heed the warning of the select commission regarding the need for real enforcement prior to any discussion of such

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legislation. Illegal immigration has not been controlled, but has increased significantly in the past two decades. Employer sanctions have been enforced in a farcical manner. Furthermore, the I-9 system has proven to be a failure because an illegal alien can cheaply and easily obtain counterfeit documents to show his or her employer.

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

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

The administration will probably implement amnesty for millions of illegal aliens quite quickly. Enforcement will likely lag behind, if it occurs at all. We will find ourselves in exactly the same place we found ourselves 20 years ago. Amnesty sends out a message that the United States is not serious about enforcing our laws. It is an affront to the millions of immigrants legally who wait their turn and use the legal immigration system. When the United States grants amnesty and forgives lawbreaking, it encourages more illegal immigration in the future. The grant of amnesty in 1986 did nothing to resolve the illegal immigration problem. It made the problem worse as increased numbers of illegal aliens pour across the border waiting for their turn.

Well, Reid-Kennedy is their turn and a new wave of illegal aliens will come to wait for theirs. I believe that Benjamin Franklin once said that, "The definition of insanity is doing the same thing over and over again expecting different results." We cannot expect to solve the problem of illegal aliens by encouraging lawbreaking through amnesty. It didn't work in 1986 and it will certainly not work in 2006.

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

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

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

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

It is interesting to note, as the chairman speaks eloquently about legislative history that includes the 1986 bill, I remind him again that President Ronald Reagan worked obviously very hard as a Republican to fix what was perceived as a broken system. I might add that they put their best effort forward, but of course subsequent to Ronald Reagan's tenure was President Bush. And so Republicans had a chance to enforce both legal immigration and procedures that would assist in making sure that we had the proper enforcement.

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

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

What I would most hope is that expeditiously we achieve the opportunity of a conference committee to work on the existing bills, unless, Mr. Chairman, you tell me that we are about to reopen the legislative process. I know that many of the witnesses here, Congressman Reyes, might like to open the legislative process. He had a number of issues and amendments that I joined him on, particularly providing support for our very worthy border patrol agents that we did not and were not able to include in the bill. It would be great if we were told by the leadership that that would occur, but as we speak that is not the case.

So let me just simply say that the question of this hearing uses the word "amnesty," which has been infused with negative connotations by the opponents of the Senate's bill, the Comprehensive Immigration Reform Act of 2006, S. 2611. The Senate bill in fact would not grant amnesty. Amnesty is defined by the American Heritage dictionary as a "general pardon granted by a government especially for political offenses." It was derived from the Latin word "amnestei" (ph), which means amnesia. We have no amnesia in the Senate bill.

The Senate bill does not have any provisions that would forget or overlook immigration law violations. If I could, I would clap in this room today because I would say, as some of the kids say, "yay" or maybe even "awesome," because we understand the responsibility that we have pursuant to the American peoples' dictates. The Senate bill clearly asks those to get in line, to be able to be documented, whether or not they can meet the criteria of having a number of indicia to make sure that they can meet the standards of status or citizenship, keep their records clean, employed for six years, to establish eligibility for permanent resident status and pay a substantial fine.

Those dollars, \$24 billion, can be used to invest in America. The essence of the question, however, is found in the phrase "repeat the mistakes." This refers primarily to a grant of amnesty. The opponents of S. 2611 appear to believe that anything but an enforcement-only approach is a mistake. They have failed repeatedly, however, to implement enforcement measures. I have already chronicled for you that when this bill was passed we had two Republican presidents back to back. It is well noted that during the Clinton administration, our enforcement capability went up, but we have to understand compassion and reason.

I hope that over the next couple of weeks, we will be able to have on the floor of the House, Mr. Berman and Ms. Lofgren, stories of immigrants who have helped build this nation. I think we have failed to acknowledge the stories of the origins of this nation. Maybe, Mr. Chairman, you will accept my invitation to have a hearing to be able to, if we are going to continue with these mock hearings, to have a hearing that will tell the viable stories of immigrants who have contributed to America. I know that you can count that as a viable part of this question.

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

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

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

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

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

HOSTETTLER: Without objection.

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

I yield back.

JACKSON LEE: I thank the gentlelady.

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

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

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

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

My central point is this, that we passed amnesty in 1986 and no one argued whether there was amnesty or not in 1986 because President Reagan declared it to be amnesty in 1986 and then this is the same policy. Whether you define it as something else, it is pretty difficult to change the definition that the American people understand to be amnesty. Whether it is a general pardon granted by the government generally for political purposes, this is for political purposes, the proposed amnesty, and it is a general pardon, and if you reduce or eliminate the penalties that are in existing law and grant a whole class of people a general pardon, that is an amnesty even by the gentlelady from Texas's written definition that she presented here.

So I would point out also that we were told in 1986 that the administration would enforce the law. I accepted I-9 documents from prospective employees and those that I hired. I put them on file. I checked their identification. I lived with concern that the federal government would come into my office and check my records and see if I was complying. They never showed up, and they didn't show up in millions of businesses across America because enforcement diminished from 1986 until 2006.

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

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

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

HOSTETTLER: I thank the gentleman for yielding.

In response to my colleague, the gentlelady from Texas, a discussion about the timing of these hearings, I would just like the record to reflect that in a discussion about the timing of such legislation that should be considered by

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

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

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

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

KING: And I would yield back to the chairman.

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

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

Anyone who has taken a civics course knows that hearings are held before bills are passed, and they are used to gather information that might assist in drafting the bill. When the two Houses of Congress have passed a bill, the bill goes to conference, not to hearings, to see if we can work out the differences and move forward. We are moving backwards in this process.

Remember, Mr. Chairman, last December the House passed an enforcement-only immigration bill. That is the one that made felons of 11 million people in this country. That bill was introduced on a Tuesday and without a single hearing in the Judiciary Committee, no chance to put light on those provisions, it was marked up, moved to the floor, and passed the following Friday. No hearings, no input from the minority party in drafting the bill, no real deliberative process, with the Rules Committee shutting out every amendment that dealt with any of the obviously related immigration issues raised by the bill that was then before us. And, of course, we passed a bill that as generally acknowledged provides no solution to America's need for meaningful immigration reform.

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

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

And then to top it all off, I get communications and messages that come out from the House Republican leadership about this legislation, and from some of the witnesses that have been called today, making it sound like something reminiscent of the communist party days when all propaganda, when all messages were sent to convey propaganda. A bill in the Senate, introduced by John McCain and Ted Kennedy, goes to the Senate Judiciary

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

The chairman, the Republican leadership of the House, the witnesses, decided to name it the Reid-Kennedy bill, see how many times they can use the word "amnesty" in one sentence, and then try to create an image of a bill that doesn't exist. We know why the 1986 bill failed. It failed because the business community went to the Congress and said, "Whatever you do, don't put the onus of determining validity of documents on our back." And the executive branch went along with that and the Congress went along with that. The fact is, the 1986 bill had a very fundamental flaw. The employer sanctions were worthless. One part of a comprehensive approach that will actually I think go a long way to solve that problem is to have a meaningful mandatory employer verification system in place so that both new employees and existing employees can be determined whether or not they have work status.

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

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

FLAKE: I thank the chair.

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

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

I would submit that if we only do one portion, and all we are talking about is the House bill, is more border security. That is one element, and a very important element, but it is only one. And we will do the same thing that we did in 1986 if we fail to do it comprehensively. Yes, we need more border security. Yes, we need interior enforcement. But we also need to deal with those who are here illegally and we need to ensure that we have a legal framework for additional workers to come and return home. If we fail to do that, we will repeat the mistakes of 1986.

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

With regard to what is going on now, I associate my comments with those of Congressman Berman, who is saying that the proper order here is to have hearings, then have a markup, have a bill, and then have a conference committee. That is what we ought to be doing. The Senate bill, I like parts of it; I don't like parts of it. I voted for the House bill because it included many elements that we need. So we ought to meld the two and get to the work of actually producing a compromise bill that contains all the elements that we need. It won't be everything I want. It won't be everything anybody wants, but at least we will move forward with a comprehensive approach. That is what we ought to be doing.

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

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

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

I yield back.

HOSTETTLER: I thank the gentleman.

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

LOFGREN: Thank you, Mr. Chairman.

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

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

In fact, H.R. 4437 isn't really a solution either. If you take a look at what we haven't done, and I think the public will be aware of this, we have not actually hired, we have not produced the funding to hire the border agents that we said we would do. The president's 2006 budget calls for only an additional 210 border patrol agents. The 9/11 Act which mandated an additional 800 immigration enforcement agents over the next five years has not been met. We have only funded 350 of that mandatory amount. The 9/11 Act also mandated an additional 8,000 detention beds, but for fiscal year 2006, we only funded 1,800.

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

So on the watch of the Republicans, there has been failure. I don't think the solution in the bill to make 11 million people felons is a serious one either. When you think about what it costs, it costs about \$50,000 a year to incarcerate a person in federal prison. When you add the costs of prosecution, defense, courtroom costs and the like, we are talking about one-third of a trillion dollars to actually take that felony provision seriously in the bill.

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

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



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

I yield back.

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

GOHMERT: Thank you, Mr. Chairman.

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

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

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

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

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

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

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

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

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

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

HOSTETTLER: I thank the gentleman.

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

SANCHEZ: Thank you, Mr. Chairman.

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

Meanwhile, I can't help but say that I am totally disheartened about the election-year posturing that is going on here. The title of this hearing is pretty comical, if it wouldn't be pretty sad. It has already attracted a lot of attention in the press: "Should we embrace the Senate's grant of amnesty to million of illegal aliens and repeat the mistakes of the Immigration and Reform Control Act of 1986?"

Well, that is a conclusion in search of a justification, if I have ever heard one. We all know that these hearings are more about posturing, than a real honest reckoning with problems and solutions. I do think, however, that the hearing title does make one important point, and that is that we need to learn from past mistakes. These hearing titles are one thing, and then on top of that, the majority insists on calling the bill that passed the Senate, the Reid-Kennedy bill, as if it were somehow a Democrats-only bill that our colleagues somehow ran through while Mr. Frist and Mr. Specter weren't paying attention, which is completely ridiculous.

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

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

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

Between 1999 and 2004, worksite immigration enforcement operations against companies were scaled by 99 percent by the Immigration and Naturalization Service. In 1999, the U.S. initiated fines against 47 companies, and in 2004 it issued fine notices to exactly three companies. On the other hand, Democrats seven times over the last four-and-a-half years have offered amendments on the House floor to enhance border security resources. If these

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amendments had been adopted, there would be 6,600 more border patrol agents, 14,000 more detention beds, and 2,700 more immigration agents along our border than now currently exist.

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

I thank the chairman and yield back.

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

SMITH: Thank you, Mr. Chairman.

Mr. Chairman, let me just observe at the outset that I think it is pretty clear from some of the words used by those who have made opening statements who is trying to politicize an issue that should not be politicized. But Mr. Chairman, I want to thank you for having this hearing. In my judgment, this is probably the most complex, sensitive, and emotional issue that America faces today. So I think the more hearings on the subject, the better, and the more we can learn about such a controversial subject, the better as well.

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

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

But there is a proper and essential distinction to be made between legal immigrants who have played the rules, waited their time in line, and come into the country the right way, and those illegal immigrants who have cut in front of the line, who have broken our laws, and who have remained in the country contrary to our laws. In that regard, let me say that while I am not going to be able to stay long enough to ask questions today, I would like to make a point about the subject of the hearing. That is that as I understand the Senate bill, people in the country illegally are going to be able to become legalized after only six years. That means that that bill treats illegal immigrants far better than we treat those who aspire to be legal immigrants.

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

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

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

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

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

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

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

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

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

There is another important legal principle here as well. That is, with a few exceptions like the spouses of United States citizens, we have always imposed the standard of saying that if you violate the immigration laws and are illegally in the country; if you want to adjust your status, you must go outside of the country to adjust your status and come back in. It is a very important principle to those people who are waiting in those long lines who are trying to do this process legally. It is a very important principle to U.S. citizens who understand that while we are a nation of immigrants, there isn't a person in this room who can't go back a few generations or several generations and find somebody in their ancestry who came to this country as the land of opportunity that America still is today.

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

It is a workable system, if it is enforced. I agree with those who say that both the Clinton administration and the Bush administration have not done enough to enforce our immigration laws. But the great flaw in that bill was to say to people, "you can come into this country illegally, and then at some point in time it is OK to adjust your status here without ever having to go outside the country again." That is wrong and that sent the message to millions, millions more people, millions more people, that if they did it once, they will do it again. And now here we are examining a Senate bill that is getting ready to do exactly that once again. That is the mistake and we shouldn't repeat it.

Now, the House bill is a good comprehensive bill when it comes to immigration enforcement. I strongly support it. It is badly needed. It has to be supported by the administration to carry out the enforcement of the current laws and these additions. But those who say there is more to be done, I don't disagree with them. A workable guest worker program that is truly temporary and that truly requires people that are illegally in the country to go out of the country to adjust their status and come back in is something that can be discussed and negotiated in this process. And probably at the end of the day, it will be needed to meet the needs of some employers in this country.

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

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

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

BERMAN: Will the gentleman yield on that?

GOODLATTE: I will be happy to yield.

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

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

BERMAN: Will he yield further?

GOODLATTE: I would.

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

GOODLATTE: Reclaiming my time.

HOSTETTLER: The gentleman's time has expired.

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

HOSTETTLER: Without objection.

GOODLATTE: I thank the chairman.

The fact of the matter is that to sit here today and complain about the bill, about an aspect of the bill, and you may dislike the whole bill. That is fine. I understand that, and certainly that would be your vote on final passage. But to have the opportunity to correct an aspect, not correct it, and then come back in and complain later on, I think the gentleman is without good standing to make that particular complaint about the felony provision.

WATERS: Would the gentleman yield?

HOSTETTLER: The gentleman's time has expired.

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

WATERS: Thank you very much, Mr. Chairman and members.

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

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

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

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

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

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

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

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

Now you have to figure out a way by which you can keep the discussion going, calling this amnesty, satisfy your conservative corporations that need the cheap labor, and somehow come out on top without telling immigrants, and particularly Latinos, that somehow you are their friend and that you don't really mean to harm anyone.

Well, this is all a little bit disgusting, but we have to go through this charade. We have to go through this charade today to talk about we are having a hearing on immigration. The fact of the matter is, ladies and gentlemen, I would hope that we would take the best parts of the Senate bill and honor the work of the Senate, secure the border, make sure that those employers who are exploiting these immigrants, are penalized and we have something in law that will do that. Think thoroughly about this guest worker program, and not simply have a guest worker program to satisfy the exploiters. I am not so sure we even need the guest worker program.

HOSTETTLER: The gentlelady's time has expired.

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

HOSTETTLER: Without objection.

WATERS: The most important thing is to have a legitimate path to legalization. What the Senate point out was there is a way that you can do this. We can ask these immigrants to pay fines, to learn English, to whatever, but

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give them an opportunity, particularly those who have been in this country for years. Many of them have children who are legal. They may not be legal, but we should not separate families the way that bill that passed out of here would do.

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

Thank you very much.

HOSTETTLER: I thank the gentlelady.

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

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

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

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

Steven Camarota is director of research at the Center for Immigration Studies. In recent years, he has testified before Congress more than any other nongovernment expert on immigration. His articles on the impact of immigration have appeared in both academic journals and the popular press, including Social Science Quarterly, The Washington Post, the Chicago Tribune, and National Review.

He holds a Ph.D from the University of Virginia in public policy analysis and a master's degree in political science from the University of Pennsylvania.

James R. Edwards, Jr., is an adjunct fellow with the Hudson Institute. Dr. Edwards' publications includes the Congressional Politics of Immigration Reform, which was nominated for the Hardeman Prize. He has written policy papers on such topics as state and local police enforcement of immigration laws, ideological exclusion, the connection between legal and illegal immigration, and public charge doctrine.

His writing has appeared in the New York Times, Christian Science Monitor, Investors Business Daily, the Washington Times and elsewhere.

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

Thank you. You may be seated.

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

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

Congressman Reyes, you are recognized for five minutes.

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

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

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

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

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

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

As many of you have mentioned before, before coming to Congress I served for 26 1/2 years in the United States Border Patrol, including 13 years as a sector chief in McAllen and in El Paso. During the course of my career, I patrolled the tough terrain of the United States-Mexico border region, and I supervised thousands of hardworking and dedicated border patrol agents and did everything within my power and theirs to strengthen our borders and to reduce illegal immigration.

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

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



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

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

Yet in every instance, the leadership and the administration have failed to deliver these very necessary resources, even though experts agree that another terrorist attack on our country is not a matter of if it happens, but when it happens. I think my colleagues have gone over the shortages that we have seen in terms of the Intelligence Reform Act of 2004, so if I can take an additional 30 seconds or so just to give you some of my observations, because I know a lot of you have expressed opinions on the Immigration Reform and Control Act of 1986.

HOSTETTLER: Without objection.

REYES: If there was a failure, there was a failure in that Congress did not fund the resources necessary to enforce employer sanctions. I can assure you, based on my own experience along the border, employer sanctions worked, and they worked very effectively because we had the resources to check businesses along the border corridors where I was chief. We took that law seriously. Apparently, Congress did not. And when people look and say that the administration has failed to enforce the law, it is Congress that has failed to fund the resources necessary to prioritize that as part of the process.

I can also tell you that immediately after the passage of the 1986 Immigration Reform and Control Act, we had a downturn in attempted illegal entries, that is people trying to enter this country. Some sectors were down as much as 80 percent on the U.S.- Mexico border. The overwhelming reason, and there were surveys taken, the overwhelming reason was because people understood that there were now employer sanctions that were going to kick in; that those were going to be enforced. And so they didn't think it was worthwhile to go through all the process of entering this country illegally when they weren't going to be able to get a job once they got here.

We failed as a Congress. I can't tell you how frustrating it is for me to see us again talking and talking and bantering back and forth politically and with great partisanship, when we are in danger because we haven't done the things that we have promised to do in securing our border. I hope that at some point in wrapping up I get a chance to talk about H.R. 98, which is a bill that I have cosponsored with Congressman Dreier that addresses the Social Security card, addresses a system where employers would verify that card and the person that presents it, and also gives resources to both the Immigration and Customs Enforcement, who are responsible for employer sanctions, and Social Security, to be able to make that happen. I think H.R. 98 unto itself would be one of the most important things that we could do as a Congress.

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

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

HOSTETTLER: Thank you, Congressman Reyes.

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The chair now recognizes Ms. Schlafly.

SCHLAFLY: Thank you, Mr. Chairman and members of the committee.

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

I can report that the invasion by illegal aliens is the hottest issue across America, even in states far from the border, such as Kansas and Georgia. The first question I am always asked is: "Why doesn't the government get it about illegal immigration?"

Americans are basically a fair-minded people and the continued entry of thousands of illegal aliens offends our ideals of fairness. Failure to stop the entry of illegal aliens is unfair to those who don't have health insurance, but see illegal aliens given costly treatment at hospitals for which U.S. taxpayers have to pay the bill. It is unfair to the legal immigrants who stand in line and wait their turn to comply with our laws. It is unfair to our friends in Arizona who are afraid to go out of their homes without a gun and a cell phone.

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

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

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

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

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

Mr. Chairman, you all need to realize that "comprehensive" has become a word as offensive as "amnesty," because we have figured out that it is just a cover for a plan to repeat the mistakes of the 1986 Immigration Reform and Control Act known as Simpson-Mazzoli. That was a comprehensive bill which combined amnesty with promises of border security and sanctions on employers who hired illegal aliens. We got amnesty, but we did not get border security or employer sanctions. There was massive fraud and the illegal population quadrupled.

The American people are not willing to be cheated again by the word "comprehensive." Their attitude is, fool me once, shame on you; fool me twice, shame on me. When we hear the word "comprehensive," we believe that

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legalization and guest workers will be fully implemented, but we will get nothing but pie-in-the-sky promises about border security and employment verification.

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

Thank you, Mr. Chairman.

HOSTETTLER: Thank you, Ms. Schlafly.

Dr. Camarota?

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

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

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

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

The second problem with 2611 is it repeats the mistake of having the amnesty come before enforcement is actually implemented. Like in 1986, the illegals themselves, along with very powerful interest groups, will ensure that that amnesty does go through. But there is no corresponding set of interest groups pushing for enforcement. While enforcement is in the broad national interest and the public certainly wants it, these are diffuse political forces and traditionally have not been enough to overcome pressure on both parties from those who don't want the law enforced, namely ethnic advocacy groups and elements of the business community. By putting amnesty first, S. 2611 is almost guaranteed to be a replay of IRCA.

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

The primary reason illegal immigrants reduce wages or job opportunities for less-educated natives is not so much that they work for less, though that certainly can happen and does, the primary reason they harm less-educated natives is simply their presence in the country. It is basic economics. If you increase the supply of something, in this case less-educated workers, you reduce its price, and the price of less-educated labor is the wages and benefits paid to such workers. Letting illegal aliens stay and increasing legal immigration through guest worker programs and so forth only makes sense if we think the poor in this country are overpaid.

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

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

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

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

Thank you.

HOSTETTLER: Thank you, Dr. Camarota.

Dr. Edwards?

EDWARDS: Mr. Chairman and members of the subcommittee, thank you for inviting me to be here today.

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

First, in 1986, IRCA passed and now we see resurrected IRCA in the Senate bill. The IRCA included border enforcement and IRCA authorized more border patrol and grounds for deportation. Number two, employer sanctions. IRCA made it unlawful to knowingly hire illegal aliens and it established the I-9 system. Three, mass legalization. There were three classes of illegal aliens who were dealt with according to their length of illegal residency here. Those here since 1972 or before 1972 got immediate amnesty. Those here from 1982 forward, or by 1982, had to pay a nominal fee for a temporary visa, then they could get a green card after a year-and-a-half, and they had to take minimal English and civics classes.

There were special agriculture workers, or SAWs, who claimed at least 90 days of farm work in 1986, or in the previous three years. They could become LPRs if they paid the nominal fee. The Senate amnesty resembles IRCA in these ways. S. 2611 has fig leaf border enforcement and employer sanctions. Like IRCA, it is long on promises and full of policy booby-traps to ensure its failure.

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

S. 2611 has at least five amnesties in it: one, illegal aliens in the U.S. for at least five years get an instant green card; two, illegal aliens here for two to five years get amnesty on the installment plan, in three steps. Oh, and plus a two-year tax amnesty. I would like one. Three, an ag jobs amnesty. Four, a DREAM Act amnesty. Five, one

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for certain asylum claimants. Oh, and the big one, the mass amnesty of the illegitimate employers who have been hiring these illegals.

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

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

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

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

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

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

Thank you.

HOSTETTLER: Thank you, Dr. Edwards.

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

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

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

EDWARDS: Correct. I think you would have to say in the back of your mind there is going to be some residual illegal population, and that at some later time, 10 years or so down the road, then you would say, OK, if we have gotten employer sanctions, and the point that Mr. Berman made precisely, the employer verification, employment verification system fully enacted, then you can say, and all the enforcement aspects of 4437, then you would say, OK, now we have a smaller problem. But all of this has to be premised, as the House bill is, on attrition. You have to drive down the incentive, reverse the incentive for in-flow. You have to drive down the incentive to stay here unlawfully and make it more attractive to leave.

HOSTETTLER: Very good.

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

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

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

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

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

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

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

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

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

One of the most troubling trends in the U.S. labor market that has been going on for the last seven or eight years is the decline in the number of young, men in particular but also women, who only have a high school degree, but they are in their 20s. Those people are leaving the labor force in droves. They don't seem to be attending school. So that is the other group, high school dropouts and young natives with only a high school degree. It has been happening for all racial groups. Native-born Americans who don't have a lot of education who are young, are really taking it on the chin.

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

HOSTETTLER: Thank you.

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

JACKSON LEE: I thank the chairman very much.

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Dr. Camarota, I may agree with you that the Republicans have not had the will, and to some extent as you have mentioned, it has been bipartisan in enforcement. I would argue that we could compare rather credibly the dollars spent on enforcement under the Clinton administration and the lack of dollars spent on enforcement under this present administration.

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

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

Might I just quickly read into the record so that we can disabuse ourselves of the terminology "amnesty" and realize that there are 10 provisions that the Senate bill has in terms of those who would seek some sort of status. I might remind my colleagues as well in order to secure America, you must know who is there. They must qualify and pay over \$3,000 in fines. They must pay their taxes. They must learn English, history and government of the U.S. They must undergo criminal and security screens. They must get a medical examination. They must register with the military Selective Service. They must establish or continue presence in the United States. They must provide evidence of past employment in the U.S. They must earn legal status by continuing to work for at least six years. They must go back to the line. That, in my definition, is paying a price.

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

I might say, the numbers say that Americans want comprehensive immigration reform.

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

I hope that my colleague would clarify such an indicting, inappropriate and unfortunate statement.

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

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

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

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

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

REYES: I thank my colleague for the question. First of all, it is extremely frustrating when the title of the hearing is repeating the mistakes of the past. We continue to repeat the mistakes. There are countless times where I have offered amendments. I have offered a motion to substitute on making a stronger effort at border enforcement. Again, post-9/11, the things that we haven't done are unconscionable. It is no wonder that the American people don't believe Congress. It is no wonder that the president's rating, as low as they have been, our ratings are much lower.

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

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

We have a lot of work to do, and we are wasting time with hearings like this, in my opinion. We are wasting time with hearings like this. I hope, if nothing else comes out of these hearings, maybe it is an unintended consequence, but the American people are going to pay attention, sit up and say, yes, that is right; we haven't been doing a good job. And by the way, who has been in charge and who has had the agenda and why are we less secure today than we were pre-9/11?

I think we all have a role to play.

HOSTETTLER: The gentlelady's time has expired.

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

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

JACKSON LEE: Thank you, Mr. Chairman.

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

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

So the gentlelady is recognized for 15 seconds.

JACKSON LEE: Thank you.



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With that, Mr. Chairman, I am grateful for the sacrifice Representative Reyes has now made, recognizing that the minority cannot control schedules. I just want to say that it is reported that, and generally agreed that 50 to 60 percent of illegal immigrants nationwide work for employers who withhold income taxes, Social Security and Medicare payments. So I hope that we realize that we need to go to conference so we can address these concerns, rather than throwing stones into the darkness.

I yield back. Thank you.

HOSTETTLER: The chair recognizes the gentleman from Texas for five minutes for questions.

GOHMERT: Thank you, Mr. Chairman.

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

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

So to say that I am out here saying immigrants don't work hard today sure misses the boat. We need immigration. We need it legal. We do need to reform the immigration services, all of them. But again, I come back, you know, for this to have been a mock hearing, there sure is a lot being said at this hearing. If it were a mock hearing, I would think that we would say a lot less than we are saying. So apparently it is not as mock as originally thought.

JACKSON LEE: Will the gentleman yield?

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

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

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

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

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

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

REYES: Well, first of all, thank you for raising that issue, because I think it is vitally important. When there is a void in terms of enforcement or anything else, somebody is willing to jump in and fill that void. However, when we are talking, and remember I represent a border district. I enforced federal immigration law for 26 1/2 years.

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

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

We also heard a number of complaints, both in my office and through some of the news media, that people were refusing to call the sheriffs department when they were victims of crime because they were afraid that they were going to be hassled about their immigration status.

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

HOSTETTLER: The gentleman's time has expired.

GOHMERT: Thank you, Mr. Chairman.

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

LOFGREN: Thank you, Mr. Chairman.

Congressman Reyes, I really appreciate, I know we all have multiple things to do, but your committee assignments are very serious ones, obviously, and that you would take time away from those serious assignments to be here with us is very meaningful and I appreciate it. I think, really, as has been mentioned on both sides of the aisle, we are fortunate to have someone with your background and your expertise as one of our colleagues, as someone we can turn to for the straight scoop on what is going on.

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

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

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

REYES: Well, absolutely. I don't have the citations that you just read, so I am going based on memory. I do everything I can to get additional resources at different points in legislation by talking to my colleagues on both sides of the aisle. In fact, when we tried to increase resources for border security, I try to get bipartisan support from both sides of the aisle because it is so critical. Anytime that we are able to increase resources to go and assist the border patrol, to assist the U.S. Attorney's office, additional judges, the U.S. Marshals, it is all vital. I will tell you, it is critical at this point in our history, having had the experience almost five years ago of 9/11.

LOFGREN: I am the ranking member of the Intelligence Subcommittee on Homeland Security, and Sunday and yesterday the chairman and I, along with two members, one from each side of the aisle, went to Canada and visited

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with the Canadian security individuals, as well as their border folks and immigration folks. It was an interesting meeting.

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

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

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

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

I raise that issue not to argue whether the civil offense is appropriate, although I believe it is, it is a resource issue. It could cost, and we have gone through this, whether it is a felony or misdemeanor, up to one-third of a trillion dollars to arrest, prosecute and incarcerate 11 million people. I don't believe that a Republican Congress that won't hire more than 200 border patrol agents for the northern border is going to actually appropriate one-third of a trillion dollars to arrest, prosecute, try and incarcerate 11 million people.

I see my time is up and I yield back.

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

WATERS: Thank you very much.

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

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

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

SCHLAFLY: I don't believe the Sensenbrenner bill calls for deporting anybody. I think it simply calls for enforcing the law. It does call for employment verification, and if they lose their job they might maybe get the idea that they should return to their native land. If their children are grown and have good jobs, as you mentioned, they can make their own decision. Perhaps they can provide some resources. If there are small children who are born in this country to illegal aliens, they are also Mexican citizens and the parents can certainly take them with them. But nobody is calling for deporting large numbers of people.

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WATERS: What would you do with the mother and father?

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

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

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

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

SCHLAFLY: I think they would lose their job.

WATERS: What else would happen to them?

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

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

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

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

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

WATERS: That is the problem with the Sensenbrenner bill. It is like you said, you don't quite know, you don't believe, but all we have is the language of the bill. I just described to you a situation that Mr. Sensenbrenner and others refuse to deal with. As I said before, we all believe in border security. We all support border security, but we have problems that need to be addressed, real problems that need to be addressed.

Of course, the son who was a soldier who served in Desert Storm or who is in Iraq probably could help take care of their mother, even though the one in Iraq doesn't get very much money as a soldier. So you are suggesting that his patriot who is in jail or the brother who served in Desert Storm, could take care of the mother and father while they are in prison. They could send them some money to buy little things.

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

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

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

WATERS: A big problem.

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

WATERS: What about the sanctions on employers?

HOSTETTLER: The gentlelady's time has expired.

WATERS: Thank you.

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

GOODLATTE: Mr. Chairman?

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

GOODLATTE: Well, thank you, Mr. Chairman.

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

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

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

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

I would like to ask the panelists two questions, starting with Representative Reyes. First of all, when it comes to enforcing the law, you can't simply put up walls on the border or put more border patrols there. No matter what you do there, some people are going to get through. Some people are coming through. In addition, up to 40 percent got through legally because they presented the necessary documentation at the border, at the airport, that showed they had a student visa or a visitor's visa or a business visa, and then they stayed over the time when they were supposed to leave the country.

So enforcement in the interior of the country is to me something that we are not talking enough about. And two things that we haven't talked enough about at all here today are, one, the use of local law enforcement; and two, an employer verification system that works with identification. Some people call it a national identification card. Some people call it a tamper-proof Social Security card, but it seems to me that if you have been given a Social Security card in this country, it ought not to be subject to forgery. The best way to do that is to use the database that is controlled by the Social Security Administration that says this person meets these particular physical characteristics and location and background and so on, and those things have to match up with the person who presents that number when they go to an employer.

So I would like to know from each of you if you support a tamper-proof Social Security card and if you would use local law enforcement, not just to enforce our criminal laws. Right now if they want to arrest an alien who has committed a crime, they can do that, but they get no cooperation and I don't think it is even legal for them to simply enforce the immigration law. When they find somebody in the community that hasn't committed a crime, but is illegally in the community, should they, that local law enforcement, be able to detain the individual until the immigration service then removes them from the country?

WATERS: Will the gentleman yield?

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

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

GOODLATTE: Oh, good.

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

GOODLATTE: So you support that.

REYES: Yes, absolutely.

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

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

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

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

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

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

HOSTETTLER: Without objection.

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

HOSTETTLER: For a brief response please.

SCHLAFLY: Thank you.

I would like to respond by asking the chairman to insert in the record a very important article that just came out yesterday written by former Justice Department attorney Chris Coback (ph), which shows that three of the pilots on 9/11 were stopped for speeding just a short time before 9/11, and they were all in visa violations, but they weren't able to go ahead and detain them. If they had been detained, we could have avoided 9/11. But the Senate bill has in it the loophole to prevent local law enforcement from detaining them for that type of offense, and it is very important.

HOSTETTLER: You would support local law enforcement?

SCHLAFLY: Absolutely.

HOSTETTLER: Without objection.

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

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and you find a tax cheat. You don't say, well gosh, we don't do anything with tax law, they are embezzling money and so forth. No, you call the local federal authorities, he is cheating on his taxes.

It is just common sense. You don't have to go out and do it proactively, but if you come across someone in the normal course of law enforcement, I think that could be really helpful.

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

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

REYES: Lack of resources, blame Congress.

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

As far as state and local law enforcement, a lot of state and local law enforcement officers and organizations and others support the routinization of their having a role in immigration enforcement. It is a common sense step that if somebody like my brother, who is a police officer, who routinely goes to, say, a domestic spat or stops somebody for speeding or something. If he were to find out that this person is an illegal alien or has reasonable suspicion thereto, then he could check quickly in some manner. Perhaps NCIC would be the best route, the quickest to find out if that person is illegal, and then to routinize those kinds of encounters by state and local law enforcement, the 700,000 officers who are already on the streets policing our streets, keeping our communities safe. That has got to be a logical key component of all of this.

GOODLATTE: Thank you.

HOSTETTLER: Thank you.

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

I asked a question of the witnesses regarding the issue of expansion of employment opportunities. This is a question I asked, quote: "One of the significant issues that will be addressed in this Congress is the issue of the expansion of employment opportunities for individuals who are currently in the country illegally, known as a guest worker program, temporary work program or the like. While many who support such a program do not wish for it to be characterized as amnesty, my first question is," and I asked this question of the panel of sheriffs from the border countries, "Have things gotten better since 1986, or worse as a result, I guess I should say, after the passage of the amnesty?" end quote.

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

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

EDWARDS: I think it is outright amnesty. A lot of the elements as they are characterized by various proponents, quote/unquote, sound like amnesty. But it meets the minimal, if not over the top, it meets the standard of encouraging the next batch of people to come illegally. It is an enhancement to promise something that they

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

HOSTETTLER: Right.

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

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

HOSTETTLER: Dr. Camarota, in viewing this issue, we also have to look at it from the perspective of the individual who has violated the law by coming into the country illegally. They might not know what the term "amnesty" means or "comprehensive" or anything like that, but do they see this as an invitation? Sheriff Samaniego, do you think he is accurate and does your experience and your research show that he may be accurate in the sense that it is going to send a message to the next 12 million that are going to come in after them?

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

HOSTETTLER: Thank you.

REYES: Mr. Chairman, could I?

HOSTETTLER: Yes.

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

CAMAROTA: Well, let me respond to that. People have tried to look at the earlier trend, it appears that, exactly as the congressman said, that there was a real drop-off when the amnesty was passed. People thought we were going to enforce the law. But it does appear that as soon as they realized that that wasn't going to happen, and they had the precedent of the previous amnesty, we got a surge. And these figures are not the number of people being apprehended. They also include overstays of visas, which of course you wouldn't have seen, and we think that that comprises about 40 percent of the illegal population.

So it is true that there was a drop-off associated with the amnesty, when everyone realized it wasn't going to be enforced, but it appears that there was definitely a surge associated with the legalization, again, once everyone realized it wasn't going to be enforced.

HOSTETTLER: Thank you.

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



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

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

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

CAMAROTA: Yes, ma'am, you were.

(LAUGHTER)

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

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

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

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

Might I also say that this whole debate about felony versus misdemeanor, some of us had the interest and concern that we didn't want a priest, we didn't want aunts and uncles and grandparents to be indictable felons because the language also said that the assistance of individuals who might be undocumented therefore would create a felon. I think we erred on the side of common sense.

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

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

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

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

Might I ask this question to all of the witnesses: What is your thought about the ability to deport all of the 12 million undocumented, if you will, individuals who are here? Why don't I start with Mr. Edwards. What procedures are you aware of, the detention procedures in the Sensenbrenner bill, expedited removal, and the possibility of the resources that it would take to deport all those individuals, obviously breaking up families, and if you will, totally being disengaged or disingenuous. Would you answer the question please, Mr. Edwards?

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

I don't think that the Sensenbrenner bill sets up a scenario where you would have mass deportation. I don't know of anybody who is seriously suggesting mass deportation. However, the Sensenbrenner bill would give additional tools and close some of the existing loopholes in the processes and on the resource side that would help to enhance the ability to reverse the current set of incentives. It would reverse the incentives for additional in-flow because it would no longer be dangling the prospect of another amnesty, and therefore it would say, in addition we are going to actually enforce the laws on the books. So there would be a reduction in the in-flow.

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

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

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

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

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

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

Ms. Schlafly?

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

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

JACKSON LEE: Thank you.

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

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

Representative Reyes?

REYES: Thank you.

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

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

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

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

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

So we need to be very careful and understand that when we are dealing with human beings, when we are dealing with what has in my opinion made this country great, which is the legacy of immigrants, we better be careful and understand the consequences that we create for ourselves. We don't need nor do we want a massive roundup, nor do we want whatever that figure is, the 9 million to 12 million people fearing that local law enforcement or others are going to be coming to their homes to round them up and put them back across the border. It may be the wrong border that they put them back across.

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

The chair now recognizes the gentleman from Texas for questions.

GOHMERT: Thank you, Mr. Chairman.

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

With regard, and let me address the minimum wage again. The minimum wage is what willing employers will pay to willing employees, and the reason that so many immigrants in East Texas are making vastly above the minimum wage is because they work hard, they become invaluable to their employers, and that is what drives the minimum

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wage. I have talked to a lot of employers, including Dairy Queens, and they can't hire people for minimum wage, so the market takes care of raising itself.

But I want to go back to a problem that has been mentioned a little bit about the local law enforcement's authority to detain people. As I understand, congressman, you had indicated that, or believe they had the authority now. But let me tell you my experience as a judge. We had a constant problem with trying to get somebody from the INS to come, deport somebody, and we had problems with the sheriff when they did fine somebody, if they were illegally here and had committed a crime. They would notify INS and they wouldn't come and get them. They wouldn't pay them for all the days, \$50 a day to keep somebody housed. It was breaking the county. I have heard other sheriffs say the same thing.

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

That amazed me because if they are illegally here and they must obey all laws, then how can they report to the local probation officer every week or every month. I am ordering them to obey the laws and in the next sentence I am ordering them to break the law by being here illegally. So I began ordering that if they were not legally here, they had to apply, and I met with some Hispanic groups and other groups about my concerns, and we reached agreement, and I started requiring within so many days, you had to apply for legal status, and if you did not get an affirmative result within so many days after that, you had to report by mail with proof each month that you were in a country you were legally authorized to be in.

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

After he had a chance to meet with his PR people, they said it may not be a good idea to be calling a judge that is helping you do your job a fool or all these names, because he is actually trying to help you do what you should already have been doing. But they made such a distinction about a state law enforcement person should never be able to enforce the law. I am just curious, do you think we ought to make provisions that allow local law enforcement to be compensated if they are doing the job of detaining people who are illegally here who violated the law?

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

GOHMERT: Mr. Camarota?

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

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

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

GOHMERT: Ms. Schlafly?

SCHLAFLY: Well, according to this article, and again I ask if you will insert it in the record, by a distinguished attorney, there is language in the Senate bill to prevent enforcement by local law enforcement people. It is very artfully written, but it is a loophole that I think he described, and he pointed out what a danger this is to the terrorists and how 9/11 could have been avoided if local law enforcement had been willing to detain the people. So may I ask that this be put in the record?

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HOSTETTLER: Without objection.

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

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

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

That is why it is vital and important that we fund and we resource interior enforcement to be able to do that. Again, I will tell you, I don't think it is good public policy to have local law enforcement become immigration agents. The first time, and let me just preface my comment by saying that immigration law, people don't realize it, but immigration law is the second most complex law in the world, next to maritime law. The first time somebody departs somebody or arrests somebody that is in fact a citizen, they are opening themselves up for a lawsuit.

I don't think too many municipalities or counties or cities are going to be very enthused about having their officers do that if they are going to be sued because somebody was arrested because they didn't speak English or they didn't look like they were U.S. citizens or other reasons that I have heard in my 26 1/2 years in the border patrol.

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

EDWARDS: Just one quick clarification. There are provisions that I refer to that are desirable in the Senate bill. There are certainly many in the House bill regarding detention, reimbursement, transportation, exchange of custody, things of that nature. There is a provision which was referenced which is highly undesirable in the Senate bill which would prohibit, would restrict even the current inherent authority that state and local law enforcement have with respect to prohibiting them to only be engaged in involvement on the criminal provisions in the INA, rather than those that are lesser offenses. You have to watch that provision, which I think Chris Coback's (ph) article addresses.

HOSTETTLER: Thank you.

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

LOFGREN: Thank you, Mr. Chairman.

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

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

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

Well, we don't need a law to do that. That is the secretary's obligation today, and he has failed to do that obligation. And why would we want to give him 18 more months of failure to do his job? When I think about Congress, we haven't provided the resources to do any of this stuff. You talk about the detention provisions in the act, I think it is worth noting that we don't even fund the current provisions of the law. The president zeroed out SCAP funding in his budget proposal, and we have never provided more than 33 percent of SCAP funding.

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

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

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

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

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

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

REYES: No. In fact, the most common reason that people give is because they see the United States as the best opportunity for their children, and they just want to give them the option to be a U.S. citizen. And by the way, children are born every day in the United States that their births are fully paid by people from Mexico, and I am going to assume from Canada as well, because they do want to have that right as an American citizen.

I think it is a testament to how great other people from around the world see our country as being.

LOFGREN: I would just like to note that in the Sensenbrenner bill there are a variety of provisions. There has been argument whether it should be a felony or a misdemeanor or a civil offense. But the whole idea that we would pass, let's say that Mr. Sensenbrenner gets his way and it is a misdemeanor. The concept that misdemeanors don't go to jail is simply false. The jail time is a year. It takes the same prosecutor, the same defense, the same courthouse. And that we would sit here as legislators and say, well, we included that in the bill, but we are not going to enforce the law.

Why would we sucker the American people in that way once again? And tell people, really lie to people in America that we are tough on the border, but we are not going to spend any money for border patrol agents. We are tough. We ought to enforce it, but we are only going to bring enforcement actions against three companies in the United

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States, and we are going to put these provisions in the bill, but we are not going to actually utilize them. And by the way, we are not going to deport anybody either.

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

HOSTETTLER: The gentlelady's time has expired.

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

WATERS: Thank you very much, Mr. Chairman and members.

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

I think the Senate bill basically talks about if you have been here less than two years, you are in violation and you would be subject to, I suppose, deportation, whatever. Let me ask Mr. Camarota, do you agree with that?

CAMAROTA: Did you want to ask Mr. Edwards?

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

EDWARDS: I agree.

WATERS: So you could be out of here.

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

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

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

WATERS: But you disagree with that part of it.

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

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

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

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

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

WATERS: What would you do with them?

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

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

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

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

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

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

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

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

HOSTETTLER: The gentlelady's time has expired.

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

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

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

Let me restate into the record this statement of Mr. Reyes: In total, Congress has 800 border patrol agents and 5,000 detention beds short of what was promised in the 9/11 Act. If September 11, 2001 terrorist attacks did not convince the administration and congressional leaders that border security and immigration must be a priority, what will? Republicans were in office before 2001 and now in leadership after 2001. Mr. Chairman, I hope that we can finally get action on the conference bill.

HOSTETTLER: Without objection. All members will have five legislative days...

GOHMERT: I am sorry. Without objection, I might clarify a point. With regard to the problems I was having with the immigration service, their failure to do their job, and their efforts to prevent people who were trying to do the right thing to do their job. We had a Democratic president, a Democratic House and a Democratic Senate. So I don't



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know if the other members' comments about the "party of gas" applied at that time, but I did want to clarify there was gas back in an all-Democratic era as well.

HOSTETTLER: I thank the gentleman.

All members will have five legislative days to make additions to the record. The business before the subcommittee being complete, without objection, we are adjourned.

END

## Notes

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[????] - Indicates Speaker Unknown

[--] - Indicates could not make out what was being said.[off mike] - Indicates could not make out what was being said.

## Classification

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**Language:** ENGLISH

**Subject:** IMMIGRATION (92%); ILLEGAL IMMIGRANTS (90%); US CONGRESS (90%); IMMIGRATION LAW (90%); US DEMOCRATIC PARTY (90%); US REPUBLICAN PARTY (89%); **AMNESTY** (89%); LEGISLATIVE BODIES (89%); LEGISLATION (79%); REFUGEES (78%); FOREIGN LABOR (78%); PUBLIC POLICY (69%); FARM LABOR (63%)

**Industry:** FARM LABOR (63%); AGRICULTURE (60%)

**Person:** JEFF FLAKE (79%); JOHN CONYERS (74%); BOB INGLIS (73%); BOB GOODLATTE (73%); HOWARD L BERMAN (59%); MAXINE WATERS (59%); ZOE LOFGREN (59%); LINDA T SANCHEZ (59%); ELTON GALLEGLY (59%); SHEILA JACKSON-LEE (59%); DARRELL E ISSA (59%); DANIEL E LUNGREN (59%); STEVE KING (58%); LAMAR SMITH (58%); LOUIE GOHMERT (58%); F JAMES SENSENBRENNER JR (58%)

**Geographic:** TEXAS, USA (93%); IOWA, USA (79%); UNITED STATES (94%)

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