

The Honorable
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Committee

A Roadmap for Immigration Reform in California and the Nation

I'm charged with talking about an issue that is extraordinarily important: the issue of immigration—not just illegal immigration, but immigration itself. We all know that the United States of America is a country that has been founded on immigration. We need to encourage immigration; we're all very proud of our heritage. We know that America has been the most amazing melting pot, and that should never come to an end because in many ways that is the basis on which the United States of America is founded.

We also know that the issue of immigration is a controversial one. Many people believe that because of the controversy surrounding it today that this is the only time that's been the case.

But that's not so. In the 19th century, we started a dramatic flow of immigrants coming to the United States from Europe, Central Europe, Western Europe, Ireland. It is amazing to look at those numbers and to juxtapose them to today. Between 1841 and 1860 we saw 3.6 Irish immigrants for every 1,000 Americans coming to the United States. Now if you think the issue is controversial today, that number is actually two and one half times greater than the number of people,

legally and illegally, entering the United States from Mexico, per thousand Americans today. And so there's always been this view that immigration poses a threat to us. When we saw this influx in the middle part of the 19th century many believed that it would devastate the United States of America when, in fact, the Industrial Revolution, which made the United States of America what it is today, was done in large part because we had those immigrants who came to the United States from Ireland and Western Europe and other parts of the world. That's one of the reasons that, while we regularly talk about these great problems of immigration, we need to realize it is a very important part of our nation's strength, and I believe that continues today. So that's why it's important to talk about the benefits of immigration. We all know we have an immigrant who's governor of the State of California, and I predict that one day we will have a president of the United States who is foreign-born, because it underscores a fact that people should have limitless opportunities in this country.

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We do, however, as we all know, have a very serious challenge, and that is to deal with the issue of illegal immigration. We know that it's become a real hot potato; we know that the issue has become very complex, and we also know that it's very, very divisive. In light of that, it seems to me that we have a responsibility to do everything that we can to try to find areas of agreement, and I believe that we in the Congress, working with the president, have already taken a very bold first step towards doing that.

Now, I believe that any sovereign nation has a right and a responsibility to secure its borders. The United States of America is no exception. I regularly say that the five most important words in the preamble of the U.S. Constitution are to "provide for the common defense." Those five words mean that we have a responsibility to secure our borders from any kind of difficulty, challenge or threat that we face. In light of that we have taken bold steps, but there's much more that remains to be done, towards doing just that.

Congress, the week before last, passed legislation called "The Real ID Act." These are provisions that were incorporated in the Conference Agreement for implementation of the recommendations of the 9/11

Commission. The 9/11 Commission was very clear in saying that the threat that was posed to the United States came about in large part due to violation of our immigration laws. In fact, we often point to Mohammed

We tried and tried and tried to incorporate that. I was one of the five Republican negotiators on the Conference Committee that was implementing the recommendations. Unfortunately, our colleagues in the

of the legislation—that will allow us to turn the corner on those questions.

On the drivers' license issue—I'm a Republican and I'm very proud of the fact that we as Republicans believe in recognizing the rights of states. Drivers' licenses are used for several purposes. So with the legislation we passed, we said we are not going to tell a state what they can do with their drivers' licenses, but we are going to say the following: if a state chooses to grant drivers' licenses to people who are here illegally, then that state's drivers' licenses cannot be used for any federal purpose. What does that mean? Getting on board an aircraft, applying for any kind of federal program. So, that's why we believe that these kind of directives, since state-issued drivers' licenses are used for federal purposes, very importantly recognize the federalism role. We are not dictating, but it is very important. And so we've passed that in the House of Representatives, and I hope very much that we're going to be able to see that attached to the supplemental appropriations bill that we're going to be passing to deal with our efforts in Iraq.



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Atta, one of the pilots of the two planes that flew into the World Trade Center. Mohammed Atta had a valid driver's license. In fact, of the 19 terrorists, there were 63 valid driver's licenses among them. Mohammed Atta had been pulled over for a traffic violation shortly before September 11, 2001 and he was scheduled for a court appearance a week after September 11, 2001. So the 9/11 Commission is absolutely right when it pointed to the fact that we need to take steps to insure that people do not continue to create that difficulty and pose that threat to us.

Senate wanted to spend more time on it so we weren't able to include it. But what we did was, when we passed that very important measure which allowed for the appointment of our friend John Negroponte as the new Director of National Intelligence, and the other measures, which included a dramatic increase in the size of our border patrol, we did have provisions dealing with the asylum, the border fence, and drivers' licenses—those three provisions which had not been included. We have just now passed in the House of Representatives a strong bipartisan vote—261 votes in support

The second issue that was included in that measure had to do with the border fence. Back in 1997 when Bill Clinton was president we put together a plan—my colleague Duncan Hunter from San Diego and I know Governor Wilson was very supportive of this—to take an area that extends from the Pacific Ocean to the Otay Mesa. It's a 14-mile area and I just flew over it about ten weeks ago myself to look at it and there is a three and one half mile gap in that 14-mile fence. Interestingly enough, it took us a shorter period of time to win the Second World War than it has to complete the 14-mile fence along our southern border.

The reason that the fence has not been completed is very simply due to the Bell's Vireo bird, which is a bird that has chosen to nest on the fence. California's Coastal Commission and the Coastal Commissioners all say that they're supportive of completing the fence, but they chose to sue the federal government to prevent the completion

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of this fence. I will tell you that it's very interesting that in the name of improving our environment we see one of the most environmentally devastated areas along the border. At the Tijuana estuary we see this area full of trash and all kinds of other waste from people who are illegally entering the United States through that gap. To me it seems very important for us to do everything that we possibly can to make sure that we get that fence completed. By an overwhelming vote—we had about 260 votes in the House—we defeated an amendment to block the legislation. Two hundred and sixty members were supportive of our effort to ensure that we waive the environmental requirements in the name of our national security, *and*, I say, in the name of the environment because of the fact that the Tijuana

estuary has been so environmentally damaged by this gap. If you look at a picture of the fence itself you can see that the area is pristine where the fence exists.

If you look at other steps that need to be taken, there are a lot of proposals out there and there are a lot of extreme views of the issue of illegal immigration. There are many who believe that we can take the estimated 8-21 million people who are here illegally and round them all up and send them back to their home country. Obviously, we know that is impossible. We cannot make that happen.

There are others who argue that we should militarize the border. It's interesting to think about this prospect of militarizing the border. People say all the obvious things—fighting for the common defense, having this kind of security is important for us, and so militarize the border. I believe that would not only be a major mistake but impossible to do. In 1986, the Department of Defense did a study in which they found that 20 Army divisions would be required just to secure our southern border and an additional 75 divisions required to secure our northern border, including the border between Canada and Alaska. The cost of that would be roughly \$375 billion a year, which is just short of the entire federal budget for our national security. I said that we would need 20 divisions just on the southern border to secure it militarily, we have 18 Army divisions, domestically and worldwide today, so it would mean bringing home every one that we have worldwide, and then increasing it with two additional divisions just to have a military securing our southern border. I also think that it would be impractical because what our men and women in uniform are trained to do it is not to

secure our borders—it's military training. We all know that an overwhelming majority of the people who try to come into the United States are simply families seeking economic opportunity—they want to feed themselves, and that is really the main reason that they come to the United States.

So I believe that those proposals, militarizing the border and going ahead and creating an opportunity that would round up everyone [working illegally] in this country are impossible for us to do. There are other things that people look at, that I also think are not the right thing to do. In 1986 we had legislation known as the Immigration Reform and Control Act that granted amnesty to people who were here illegally—2.8 million people in this country were given amnesty, creating an opportunity to obtain legal permanent residency. What we found is that it didn't work. Since that has happened we've seen a dramatic increase in the number of people who have come into the country. I voted against that legislation because I was concerned that if you all of a sudden say you're going to grant amnesty to people who are here illegally, it says to the rest of the world, "Hey, why the heck don't I just go in and enter the United States and one day they'll make

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me an American citizen." So, I think we need to be very, very careful about that and I think granting of amnesty is wrong. I've consistently opposed amnesty, and contrary to what some may have heard, [so does] President Bush—I was with him at a meeting just a couple of weeks ago where he said

three times that he is opposed to the granting of amnesty.

But I do think that there are important things that we need to do and I think that we need to do everything that we can to rally around areas of agreement and try to lower the temperature on what has become a very bitter and divisive issue. We know that included in that 1986 act was something called “employer sanctions,” and we know that employers try to do their darndest. I was talking over lunch about how every attempt is made to ensure that someone who goes to work is a citizen, and required under those employer sanctions are provisions to provide documents—a birth certificate, a driver’s license, a social security card, but it’s impossible to know whether those documents are authentic. This came to my attention in 1996 along with my former colleague, Bill McCullum, and I joined him in supporting legislation that would have established a counterfeit-proof social security card but unfortunately we failed. I was a member of the minority of my party at that point, but I believe today we’ve got an opportunity to do that. We, of course, have 21st century technology, which is significantly advanced, and I think that will go a long way towards dealing with this issue.

Last fall, some of you may remember that *Time* magazine had a cover article on the issue of illegal immigration and it was an article that would make anyone’s blood boil. It talked about the fact that the coyotes who bring people in illegally had brutally raped a couple of nuns. It talked about the Tyson’s Food

Company, which got into Mexico and was recruiting people to illegally come and work in their plants and the fact that they got basically a slap on the wrist—no punishment whatsoever—and the last four paragraphs of that article consisted of an interview with [T.J. Bonner] the president of the National Border Patrol Council, which is the 10,000-member border agents’ union. Republicans aren’t known traditionally as having close links with

coyote thousands of dollars to try to get in. And so they don’t go home.

I find regularly that people who are from Mexico are working here seeking to feed their families—and incidentally, last year there were \$9.2 billion in remittances to Mexico—so we know that people working here are sending money home. They would rather be at home with their families, but they’re afraid they won’t be able to get back

here to work. And so we know why it is that they are seeking to get here. We also know that the structure we’ve had from employers’ sanctions hasn’t worked because of the fact that we just give a slap on the wrist and it’s impossible to determine the authenticity of documents.

So what we’ve done is introduce legislation, I call the Bonner Plan because T.J. Bonner says that it will reduce

our legislation HR-98 is a counterfeit-proof Social Security card. It’s designed to have no information that the government does not already have. It has is a photo embedded and then an algorithm strip on the back that simply states what someone’s status is here. Are you an American citizen? Are you here on an H2A visa? A work permit?

unions or organized labor, but I will tell you that I was struck with the statement that was made by the 27-year veteran who was the head of the National Border Patrol Council. He said, “You know, I’m often asked about whether or not we’re interested in getting benefits for retirement and health and I say ‘Yeah, yeah, yeah, but what we really want to be able to do is our job.’” In this *Time* magazine article, he talked about the fact that what we have to do is realize that people coming into this country are coming seeking to feed their families. They stay here and don’t go home in large part because of the fact that they figure they will possibly die in the desert. We’ve had 300 people in the last year who died coming across the desert or they pay a

by 98 percent the number of illegal border crossings. I carry this around with me; this is what the Social Security card that has existed since 1937 looks like—it’s a little flimsy piece of paper and we all know that you could mock-up one of these pretty easily. You just go to McArthur Park and you can pick one up if you’d like. And so our legislation HR-98—because it’s assigned to reduce by 98 percent the number of illegal border crossings—is a counterfeit-proof Social Security card. It’s counterfeit-proof because it’s designed to have no information whatsoever that the government does not already have. In fact, at the bottom it says “This is not a national identification card,” but what it has is a photo embedded and then an

algorithm strip on the back, and that strip simply states what someone's status is here. Are you an American citizen? Are you here on an H2A visa? A work permit? Whatever their status is. That's the information that is there, and I will tell you that other than that there's nothing else on this card. This card is not to be used as identification; this card is only used when someone is applying for a new job, meaning that a senior citizen who is retired would not have to have one of these, someone who has his own business would not have to have one of these, someone who is presently working would not have to have one of these. Only when someone is looking for a new job would they have to have one of these cards.

As these cards are put into place, the word will spread that you can't get a job in the United States of America unless you have a counterfeit-proof Social Security card, meaning that you qualify and that you are legal, and that's why I introduced this legislation.

Mr. Bonner, in this *TIME* article, said nobody in Congress will take this issue on because people want to hire illegals and the business interests are so great. My goal has been to prove T. J. Bonner wrong, and so I brought him here today with me from San Diego—this is T. J. Bonner, the president of the National Border Patrol Council.

I think that we have a chance to turn the corner on this issue now as we do this. The most important thing that we have to do, along with the counterfeit-proof Social Security card, is increase enforcement. We have called for hiring 10,000 Homeland Security officials to do that and also to increase the penalty. We increase the penalty for hiring people who are here illegally from \$10,000 to \$50,000 and up to five years in prison. So it's going to be tough, what we're doing, but I believe that it is the right thing to do.

We also have to, I believe, pursue vigorously a policy which will get at the root of this challenge, and that is strengthening the economies of Latin

America and throughout the world. That is why free trade is the long-term solution to this issue. Not many people know that we have a third of a trillion dollars in cross-border trade between Mexico and the United States alone. The middle-class population in Mexico has grown to be larger than the entire Canadian population, and so as bad as the problem of illegal immigration is today I argue that it will be even worse if we were not pursuing free trade.

We have a very important initiative on the horizon. It's known as the Central American Free Trade Agreement with the five countries of Central America and the Dominican Republic. We are trying to pass that. This issue of immigration has led many people to oppose free trade. Free trade is a long-term solution to this problem and I hope very much that you all will join us in this effort. It is a tough problem. We need to do everything that we can to encourage bipartisan cooperation on this and I'm determined to do just that.

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