

Testimony of Congressman Brian P. Bilbray
Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law
Legislative Hearing on H.R. 1645, the “Security Through Regularized Immigration and a
Vibrant Economy Act of 2007 (STRIVE Act)”
September 6, 2007

Chairwoman Lofgren, Ranking Member King, members of the subcommittee, thank you for allowing me to participate in today’s hearing regarding H.R. 1645, the STRIVE Act.

As you may know, I grew up in a border community—just a few block’s away from the intersection of the US/Mexico border and the Pacific Ocean. My comments today are based on many years of watching our changing immigration policy from the perspective of: a local kid growing up along the border, a former small town mayor, the former Chairman of the Board of County Supervisors in San Diego County, and as the Chairman of the Immigration Reform Caucus. I also speak today as the son of a legal immigrant. My mother was a war bride, emigrating from Australia following World War II. My mother followed the legal process, applying for a visa and then waited to receive permission to come to the United States.

Since the beginning of this Congress, the membership of the Immigration Reform Caucus has increased by more than 20 percent to 111 Members. The IRC is a bipartisan organization with more and more Members from both parties joining each month. I believe the growth of our Caucus this year reflects the concern that Members of Congress have with amnesty proposals advocated by President Bush, the Senate and the STRIVE Act.

There is no reason why Congress should not take immediate action to secure our borders, strengthen our immigration laws, implement true interior enforcement and establish a working employer verification system. The immigration status quo is intolerable. Not because our immigration laws are broken, but because they are not vigorously enforced. Immigration enforcement has failed primarily because Administrations for 20 years have not enforced sanctions on employers who hire illegal immigrants. The Administration needs to enforce employer sanctions systematically, not just sporadically. The Administration claims we have a de facto amnesty now. That is true and it is the result of the Administration’s own lack of determination to enforce the law. We do not need amnesty to enforce current law; we need to enforce the law to eliminate the need for amnesty. The practice of rewarding illegal behavior and ignoring current immigration laws must come to an end. No one believes that you can grant an amnesty first and enforce the law second.

The STRIVE Act and similar plans have failed to gain wide support from the American people for a very simple reason: Americans do not believe that we should reward people for breaking our laws. While I believe there are MANY problems with the STRIVE Act, I will highlight a few of them.

The STRIVE Act would grant amnesty to nearly all of the 12 to 20 million illegal aliens in the United States via many different routes not just one amnesty. The bill would grant amnesty to illegal aliens by giving those here illegally and continuously since June 1, 2006, “conditional nonimmigrant” status lasting for six years of work here in the United States, and would then allow them and their illegal alien spouses and children to become lawful permanent residents (LPRs).

In order to adjust from illegal to legal status the illegal immigrant would simply have to pay a fine, undergo a medical exam, pass a security background check, agree to pay back taxes for any period, complete English language and U.S. history and civics requirements, and complete a “touching back” (i.e., leaving the United States and being readmitted at a port of entry properly equipped) before being granted LPR status (the bill allows for several exceptions). These requirements are remarkable similar to those required during the 1986 Amnesty. Despite these requirements, the citizens of the United State will see this legislation for what it is...AMNESTY. Additionally the STRIVE Act includes the AgJobs bill and DREAM Act with more amnesty provisions.

While the STRIVE Act does make improvements in the area of border security such as increased personnel, improved equipment and infrastructure, I have concerns that it would undermine the sovereignty of the United States. I am concerned that the bill would require the State Department and Department of Homeland Security to report annually to Congress on the progress made toward “developing and implementing an immigration security strategy for North America that works toward the development of a common security perimeter” for the United States, Canada, and Mexico. Additionally, the STRIVE Act requires the establishment of a U.S. Mexico Border Enforcement Review Commission, which would be charged with making recommendations regarding “the protection of human and civil rights of community residents and migrants along the international border,” the “adequacy and effectiveness of human and civil rights training of enforcement personnel on...the border,” the effect of border enforcement efforts on the environment and the quality of life of border communities, and whether state and local law enforcement should cooperate in immigration enforcement. Furthermore, many provisions included in the legislation which seem to bolster enforcement and border security are already on the books under current laws such as the US-VISIT program and the building of a longer, more secure fence and infrastructure. These should already be in place under the Secure Fence Act of 2006, the Intelligence Reform and Terrorism Prevention Act of 2004 and the Enhanced Border Security and Visa Entry Reform Act of 2002.

The STRIVE Act also concerns me because of the overall costs of a massive amnesty. While most illegal immigrants are unable to receive benefits and welfare programs due to their illegal status, once they have their status adjusted they will be able to receive benefits exceeding any possible taxes being paid into the system. Outside organizations such as the Heritage Foundation have estimated the costs of a massive amnesty on the U.S. taxpayer could be around \$30 billion a fiscal year.

Rather than rewarding lawbreakers and punishing potential immigrants who are following the law, the Immigration Reform Caucus has been working with Congressmen Lamar Smith and Peter King on two border security and immigration initiatives—a comprehensive border security

and immigration reform bill (H.R. 2954, The Secure Borders FIRST ACT) and a resolution calling for full enforcement of all current immigration laws (H. Res 499, Resolution calling for the Enforcement of our Current Laws). These two measures represent a strong 'Security First-No Amnesty' alternative to the Kennedy-Bush Senate Amnesty bill and the STRIVE ACT. The Secure Borders FIRST (For Integrity, Reform, Safety and anti-Terrorism) Act of 2007 will mandate operational control of all our borders and ensure better enforcement of current U.S. immigration laws. The bill also reforms the H-2A Visa program to allow for a market-based number of temporary agricultural workers each year. The legislation does not provide amnesty, or the legalization of aliens illegally residing in the United States. By reforming the H-2A program we already have in place, we can better enforce our immigration laws while ensuring American farmers have the workforce they need.

The resolution calls for the enforcement of all immigration laws and points out a number of current laws that are not fully enforced. This includes implementing both the entry and exit portions of the U.S. VISIT program, enforcing the employer sanctions that were enacted as part of the Immigration Reform and Control Act of 1986, and increasing the number of Border Patrol agents, detention beds and immigration investigators. I believe that these are common sense measures the Congress should embrace.

In conclusion, I would just like to remind all Members of Congress that in San Diego and Southern California and in many border regions, the impact of illegal immigration is very large and growing. Localities across the country from Hazelton, Pennsylvania to Escondido, California, in my district, have been attempting to deal with the problems of illegal immigration on their own due to the failures of the Congress to address the problem. Effective enforcement of our current laws is vital to our ability to regain control of our country's borders and our neighborhoods across the United States. I urge the Committee to conduct vigorous oversight of the Administration's efforts to enforce of our immigration laws and to take under consideration the two thoughtful proposals advanced by Congressmen Smith and King. Thank you again for inviting me to participate in today's hearing. I look forward to your questions.