consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes:

Mr. DEFAZIO. Mr. Chairman, our Nation has long been a beacon for the dispossessed and downtrodden around the world who come to our shores for a shot at achieving financial security, personal security, and to fulfill their human potential, the very essence of the American dream. Our Nation was built on the sweat and ingenuity of immigrants. My father's side emigrated from Italy, and my mother's side came from Ireland. We should be proud of this heritage.

However, a nation that does not have control over its own borders is a nation that cannot claim to be sovereign. We need to know who is coming into our country, and we need to be able to keep out those who are not authorized to enter. The status quo, with 500,000 or more individuals entering the U.S. illegally every year, including untold numbers from countries of concern, meaning countries in which radical Islamic terrorists are prevalent, is not acceptable.

Prior efforts by Congress to control and rationalize immigration, including the reforms enacted in 1986 and 1996, have failed. One of the primary reasons these reforms have failed to stop the flow of undocumented workers and the exploitation of immigrant labor is the lack of meaningful employer sanctions. I believe the crux of the legislation under consideration today, in addition to enhanced border security provisions, such as more agents, improved technology, and cracking down on document fraud, is that for the first time Congress is imposing tough employer sanctions, which will decrease the incentive to exploit immigrant labor. H.R. 4437 would double the fines for employers who hire undocumented workers to a minimum of $5,000 for a first offense and up to $40,000 for subsequent offenses. H.R. 4437 would also require employers to verify an applicant's eligibility for lawful employment with immigration and Social Security officials.

These enhanced employer verification provisions are one of the reasons why the powerful business lobbies like the U.S. Chamber of Commerce, some of whose members regularly hire low-wage exploitable immigrant labor, are opposing the bill, but also one of the reasons why I support it.

Many business and immigrant rights organizations, along with some in organized labor, have raised the concern that H.R. 4437 does not include guest worker provisions.

I have serious reservations about the guest worker proposals that have been proposed by the President and in various bills in Congress. Very little has changed with respect to guest worker programs since I came to Congress. They continue to be a source of worker exploitation. When I was first elected, I fought a small group of government contractors in the forestry and reforestation industries who were abusing their workers. A recent series in the Sacramento Bee newspaper documented that abuse of immigrant labor continues to be widespread in guest worker forestry programs. The new guest worker proposals are unlikely to improve that situation.

Guest-worker programs have also historically been used to break unions. The meatpacking industry is a prime example. The meatpacking industry broke the unions by bringing in low-wage immigrant labor. Once the union was broken, the industry cut wages and benefits for the immigrant workers, sped up conveyer belts, and just generally made working conditions miserable. The rate of worker injuries and workplace accidents are extraordinarily high. It's taken the industry back to the days described in Upton Sinclair's book The Jungle.

I am wary of the impact on low-income Americans and low-wage legal immigrants from guest-worker proposals. Such proposals threaten to increase the low-wage labor pool in the U.S. by millions of workers, further eroding the pay rates and working conditions of tens of millions of Americans and legal immigrants. The nearly 20 percent of Americans without a high-school degree will be particularly hard hit. Under the leading guest-worker program in Congress, the number of unskilled workers authorized to enter every year would be 400,000. In addition, 290,000 higher skilled workers would be allowed in every year, nearly double the number in current law.

The Commission on Immigration Reform, created in 1995 by President Bill Clinton and headed by former Democratic Member of Congress Barbara Jordan, reported, ''Guest-worker programs have depressed wages'' and reduced employment opportunities for ''unskilled American workers, including recent immigrants,'' who can be easily ''displaced by newly entering guest workers.''

A study by Harvard University professor George Borjas shows wages for Americans dropped 9 percent for high school graduates and 5 percent for college graduates in the wake of the unprecedented migration of undocumented immigrants in the 1980s and 1990s. Other studies, including research by the National Research Council and the Economic Policy Institute, show immigrants under ''guest'' worker programs are paid 15–33 percent less than American citizens, driving down wages for all workers.

I am also concerned that the administrative burden created by guest-worker programs will disadvantage immigrants from around the world who are now waiting in line for their paperwork to be processed so they can enter the U.S. legally. Though they have complied with the law, filed all the required applications, provided all the needed documentation, and paid all the fees, it will be years before they have legal status. My staff and I devote countless hours every week to the plight of frustrated legal immigrant husbands, wives, mothers and fathers, and children trying to navigate the immigration maze. Families are separated for years and years going the legal route, and immigrants from the Philippines and Mexico often have to wait at least a decade to be approved with no chance to jump to the head of the line.

H.R. 4437 is not a perfect bill. Far from it. Immigrant rights organizations, labor unions and others have rightfully pointed out that the bill does not in any way address the 10–12 million undocumented workers already in the U.S., no matter how long they've been here or how much they've contributed to their local community or the economy. I am concerned that the alien smuggling provisions are written in an overly broad way that could penalize the everyday actions of social service organizations, churches, and others who may provide humanitarian aid and counsel to immigrants. Further, a dubious amendment was adopted during consideration on the floor that requires the construction of $2.2 billion worth of fences along a part of the southern border, which, as evidenced by the failure of similar fences in Spain and along the Hong Kong-China border, will do little or nothing to combat illegal immigration, but will certainly divert money from programs that could. Instead, this money could be spent to hire and equip 2,000 additional agents for 10 years and to improve technologies used to protect the border.

We need to move this complex and emotional debate on border security and immigration reform forward. Although H.R. 4437 is flawed, I am voting in favor of the bill because it contains a number of provisions that I support related to border security; because this is the only immigration legislation the Republican leadership will bring to the floor, meaning it is the only opportunity I will have to go on record in favor of enhancing border security; and because I expect that the Senate will address the major deficiencies in the bill. Immigration will be debated again in the House next year after the Senate has worked through its own version of immigration reform and border security legislation and a conference committee has met and resolved the differences between the two chambers bills. I will reserve judgment on whether to support the final bill until I see the details.

PERSONAL EXPLANATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Saturday, December 17, 2005

Mr. LANTOS. Mr. Speaker, last evening the House voted on H. Res. 598, Condemning actions by the Government of Syria that have hindered the investigation of the assassination of former Prime Minister of Lebanon Rafik Hariri conducted by the United Nations International Independent Investigation Commission (UNIIIC), expressing support for extending the UNIIIC's investigative mandate, and stating concern about similar assassination attempts apparently aimed at destabilizing Lebanon's security and undermining Lebanon's sovereignty.

Through an error, I was recorded as voting ''nay'' on the adoption of that resolution. I should have been recorded as voting ''yea.'' I cosponsored this resolution when it was introduced and during the debate on H. Res. 598 I spoke strongly in favor of its adoption.