

much of it from south of our border. What is interesting, most of the debate about immigration doesn't even touch on NAFTA. Yet if you look at what NAFTA has caused inside of Mexico, over 2 million peasant farmers have been displaced and another 500,000 more are coming each year. And why is that? Because the very small farmsteads of Mexico, in the Sinaloa Valley all the way down to Xcalas and Oaxaca are being destroyed.

The agricultural provisions I tried to get into NAFTA back in 1993 were never allowed to be considered on this floor. If we had done that, we would have been able to address the tragedy that is occurring in Mexico, which is the complete elimination of their small holders and their farmers. I call it a continental sacrilege, the heartlessness that is embedded in NAFTA that is costing jobs in our country, costing jobs in Canada, costing the loss of life as people flee to try to feed themselves, as their whole way of life is being totally destroyed in Mexico.

This week something very important happened. In the city of Ottawa, Canada, the capital city of our sister state up north, a major meeting was held between parliamentarians of the United States, Canada, and Mexico to begin to push back a continental effort to reform NAFTA. Both legislators, like myself, and representatives of those two governments, along with civil society groups met in Ottawa to halt NAFTA-plus, the expansion of NAFTA, something being called the Security and Prosperity Partnership.

Instead, at a press conference in Ottawa on Monday, we announced that networks from across Canada, the United States, and Mexico are going to unveil a plan to bring an end to the kind of deep damage that NAFTA is causing in all three countries and replace it with a people-centered trade model. As I said in my remarks in Canada, trade agreements in North America must ensure rising standards of living and increase jobs in all of our countries.

We met this week in Ottawa, and that meeting followed one we held last year in this city of Washington, D.C. This was our second forum. We will have a third in Ottawa a year from now, and likely a meeting in Mexico City in August.

As one of our parliamentarians said, NAFTA has aggravated poverty across our continent. And the new Democratic Party Parliamentarian, Peter Julian of Canada said, "There is no doubt that under NAFTA, most Canadians are poorer. We have been fighting to make adjustments," he said, "and now it is clear that NAFTA has to be replaced." It is not working for the vast majority of the inhabitants of North America. It has failed on the bottom line.

In anticipation of a summit that will be held in Ottawa in March 2007, called the "Three Amigos Summit," our group will create a North American secretariat to prepare for counter in-

formation and counterproposals and introduce simultaneous legislation in this chamber in Ottawa and in Mexico City to replace NAFTA. We will build opportunities for public engagement in civil society across this continent on the issue of proper continental integration.

Mr. Speaker, a new charter for the people of the Americas is being drafted, one that will result in more democracy, more cooperation, more development for rising standards of living, not more loss of jobs and greater trade deficits.

NEW IMMIGRATION LAWS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. CARTER) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, I thank you for allowing me to be here tonight and for allowing me to address this House on an issue that I feel is probably a life-changing issue to the United States of America. It is a life-changing issue for what is somewhere estimated to be between 11 and 15 million people who have entered and are living in this country illegally. And it is a life-changing issue, I think, for every American.

As we are in a time of concern about national security and great expenditures on homeland security, we have got a crisis on our border. I am not going to go too much in detail about this crisis, because anybody that turns on the television these days can see pictures of hundreds of people storming past our border patrols on our southern border as they leave Mexico. Most of those pictures come from Arizona.

In the last about 9 months, I have visited the Texas border on three occasions. Twice I went down to Laredo and visited with the border patrol and all those persons involved in immigration in the Laredo section of the Texas border. This past weekend, I went with the deputy whip, ERIC CANTOR, down to El Paso, and with other members of a congressional delegation, to discuss the issue of what is going on in the El Paso sector of the Texas border.

We have got an estimated 16,000 people crossing our border every night or every day coming into the United States. These are 16,000 people most of whom are not caught and most of whom are entering this country, for what purpose we know not, Mr. Speaker. We can't presume that every one of them, as has been just a moment ago described, are poor impoverished workers coming here looking for a job. Many of them are. But we don't know who these people are, and we don't know why these people are here in every instance, because we have done nothing to inquire as to their purpose or who they are or what they are coming up here for because our system has been overwhelmed.

We are now going into conference, the House and Senate, with our colleagues over in the Senate, on two versions of what we think needs to be done to address the issue that is facing this Nation right now on immigration. I want to propose to this House and to the Members of this House that we have already addressed many of the issues in 1986 in a bill, that I am aware the Speaker here tonight was involved in.

Mr. Speaker, I have looked at that. I have actually gone out and pulled up the law and looked at what we are operating under today, and I find it is very curious that there is a lot of very good enforcement procedures in this bill, the 1986 bill. There are things in that bill, if they had been done and done correctly, we would not be addressing this massive intrusion across our southern border.

But what has happened? What reason has this gone on? My whole point of this speech here tonight is to say it is time for us, I think, to slow down and address a life-changing issue in detail and see where the system has been overwhelmed in the past and make sure that we don't make the mistake that I think democracy makes a lot in the legislative process of taking something, sticking a bunch of new patches on it, and hoping it will solve the problem. Patches on an old used tire almost inevitably start to leak at some point in time, and then rupture, and the tire goes flat.

I think when it comes to immigration laws, it is time to buy a new tire, not just put in a patch tube or stick patches on the tire. We need to look at our immigration laws of this country from top to bottom and in a very businesslike and studious manner, come up with solutions for the problems that are going to face the people that I have described here tonight.

There is estimated, as I said, 11 to 15 mile people that have come into this country. The other day we were on the border in a place where there was a triple fence and a ditch at our border.

□ 2330

A very interesting aside, it was explained to us in El Paso, the construction of that fence and ditch, which has been there now quite awhile, but when that was put up, street crime in El Paso dropped so substantially that El Paso went from one of the worst street crime cities in the Nation of a population of over 500,000 and less than a million, to today, after construction of the fence, street crime in El Paso, Texas, has improved so drastically it is now the third safest city of that size in the United States. And that is clearly reflected by everyone in law enforcement in that town as a result of 17 miles of fence in the populated area of El Paso.

So the proposals for fencing that the House bill has, for instance, fencing in the populated areas, have an effect on the lives of the people that live in that

city. The people who go to work, take their kids to the park, to school, are safer in El Paso, Texas, because of 17 miles of fence.

Now about 60 people a night still try to cross that fence. They catch most of them.

In the conversation somebody asked: How many didn't you catch? They said that would be speculation, and they weren't going to speculate because that wouldn't be proper. One of the comments behind me was we know somewhere between 11 and 15 million they didn't catch. That is what we have to look at as we look at this thing.

The system we have today has totally failed. It can be blamed on every administration since this bill was passed that they did not either provide the resources or the bureaucrats were overwhelmed by the problem; and when overwhelmed, just did not address it. Or addressed it in a minimum amount.

Now, I think by that experience that we have had, and we learn from experience, we should know that overwhelming the system will cause the system to shut down and not work. The Senate bill, I would propose the things that we have heard, and unfortunately I have not been able to get a copy of what they are proposing yet, but I will be back on this House floor to discuss it when I get it, but some of the things that they are proposing, and with all due respect to the Senate, I would like to say that I do not think they have thought out some of the things that they have done here.

If we have a system that cannot process effectively, that clearly has not processed protection of our borders for people trying to come into this country illegally, how can we take that system and dump between 11 and 15 million people into that system to try to come up with an amnesty for them? How can we process them with the people we have in the immigration department? If it is overwhelmed today, how can we dump that many people in the system and expect it not to be overwhelmed tomorrow?

If the idea that you might get amnesty increases our border crossings from the approximately 2 to 3 million people that were dealt with during the Reagan administration to the 11 to 15 million people that are here today, how can processing those people and the additional waves that will come across without border security, how can the system but be overwhelmed by that process?

The citizenship issue is very interesting. Americans who are qualified to be in this country legally are making application for citizenship, are finding unbelievable delays in the processing that goes on through our immigration department so that they can meet the qualifications of citizenship. In fact, some of that processing is as much as 6 years behind.

In the San Antonio office, those trying to bring people into this country legally are finding delays from 18

months to 10 years to bring people into this country legally. Background checks, which we have about 200 to 250 cases in my office alone, requesting background checks on the process of bringing someone to this country, in the San Antonio office we have been told they are processing 1998, 1999 and 2000 cases. This is 2006. So in the best-case scenario, they are 6 years behind; and in some cases they are 7 and 8 years behind.

How can that system do background checks on 15 million people or 11 million people that are currently in this country to make sure that their background is such that they should be allowed to remain in this country and be American citizens? How can that system even take 2 to 300,000 people in a guest worker program and do the background check processing to make sure that the people coming in as guest workers are safe for our American citizens? Even that number, what will that do to the background checks being required?

And let's not forget that we also require that every person wishing to come into the United States as an immigrant must have a medical exam to make sure that they are not bringing communicable diseases or other illnesses into this country that we want to prevent from coming into this country. Without even going into the possibility of a pandemic if there should become an avian flu pandemic from the avian flu virus, and it is estimated there could be the death of 200 million people as a result, let us just look at the fact that the World Health Organization has told us that there is a strain of tuberculosis in Mexico and South America that right now we can't cure with our existing drugs to stop tuberculosis because it has mutated to a point we cannot cure this form of tuberculosis.

How do we know about the health of these people that are here and those people wanting to come here in the program that the Senate has? We have to know. If we have to know, we have to process them. If we are already overwhelmed, how are we going to be able to meet the demand that is going to come to the system?

What do we know that happens when we overwhelm the system? We know nothing happens when we overwhelm, and we remain with the status quo.

I would argue that is the result of what happened to what was a good bill in 1986. When I go to Texas and I am addressed by many members of the press, they ask me what about making these people's behavior illegal.

You know, Mr. Speaker, maybe I am a little different, but I kind of grew up in a system when you talked about the law, you checked the law to see what is in it. I found, and you will hear that being in the United States illegally, in other words they have caught you after, and they can't identify that you came across the border illegally, that is a civil process and has a process for

removal. But what you do not read is if you are caught coming across the border, it is an illegal process. It is illegal to enter the United States in any form or fashion without proper identification.

First crossing carries a possibility of a fine and up to 6 months incarceration. But normally and properly, most of these people are just removed.

Harboring an undocumented alien under the bill we are operating under now carries a fine and imprisonment of up to 5 years.

Alien smuggling carries a fine and imprisonment of up to 10 years. Any crime that causes serious bodily injury or places the life of anybody in jeopardy, and that includes the person being transported, it carries a penalty and fine of up to 20 years' imprisonment.

If criminal smuggling or harboring results in the death of any person, the penalty includes life in prison. This is the law today, right now what is on the books.

Felony charges punishable by fines and imprisonment of not more than 2 years are applicable to reentry. So if you have come in once and you have been caught and documented and you are caught reentering, you can get up to 2 years in prison or jail.

Reentry after a previous nonaggravated felony or three misdemeanor entries or convictions results in a fine and imprisonment of up to 10 years.

So those who say, why is the bill that the House passed wanting to criminalize this activity, we are not criminalizing the activity. It is already criminal. We need to make ourselves very clear. Having evidence that you crossed the border illegally, acceptable, provable evidence, which is basically catching you doing it, can result in the penalties in the various categories that I just read. This is illegal behavior. Let's not kid ourselves about what this is.

What have been some of the solutions we have come up with that are overwhelming the system? One is removal by deportation. You know, one of the things that I think is of most concern to people when they hear about it is what they call in the immigration business, in the border business, OTMs, people from other than Mexico.

Let me stop right here and say this because it is a question that comes from my Hispanic counsel, and I want to say that everything I am saying about the southern border I also agree with on the northern border. Just recently, very recently from the time I am talking right now, we found a major terrorist cell planning major attacks in Ottawa, Canada. There are bad guys to the north of us, and there may be bad guys to the south of us.

When we are talking about this, we are talking about illegal immigration, whether it be from Canada or Mexico, comes in on a ship or airplane. It is anyone who violates the law and overstays their welcome and hides out

and is of concern to every American citizen that is here.

Mr. Speaker, we need to realize that putting a patch on a system that already works, and that patch includes the possibility of dumping between 200,000, 300,000 people, or up to 15 million people into an overwhelmed system, is basically going to result in the same results we have had since 1986: nothing is going to get done.

Now I would argue to this House that I believe there is a great degree of experience and intelligence in both the House and Senate; and well-intentioned people on both sides of the aisle, if given the opportunity to study in detail and look where the holes are, without knee-jerk reacting and being in a hurry, we can come up with a plan and the resources necessary to implement that plan so we can actually do what we are setting out to do, and that is protect our Nation from intrusions across our border and protect the sovereignty of the United States and deal fairly and equitably and compassionately with the people who are involved in this behavior.

Mr. Speaker, let me make myself extremely clear. I do not intend to support nor do I support rewarding illegal behavior. I spent 20 years of my life punishing illegal behavior as a district judge in Texas. And those people who know the county I come from, Williamson County, know that Williamson County judges and juries punish severely criminal behavior. Maximum sentences are fairly well the norm in the county that I come from.

So I certainly am not going to change careers to Congress and start rewarding criminal behavior.

□ 2345

And I am very concerned that some of the things that are coming to us in the Senate bill are rewarding criminal behavior, especially as you compare it to those people who are fighting this broken process of coming in here legally, because they are going to get to have sneaked across the border, hid out long enough that they get in line for citizenship, in some form or fashion, whatever delays and punishment or fines or back taxes or whatever you impose upon them, they are still getting a reward for criminal behavior.

So I think as we design a system we need to take that into account and realize that we can do and deal with these families and these people compassionately. We can make common-sense decisions as to how to handle, for instance, the problem of children who are born to a family of illegals who are now American citizens and how we would deal with that. And common sense would say that would take special categories and special dealings. But Mr. Speaker, my experience in Texas, and I think the experience of anyone who has lived in a State where this issue has been for my entire life. This is not something that I have been dealing with, as some States have, for

the last 8 or 10 years. In the State of Texas, the issue of illegal aliens coming across our border has been with us since my birth, and so we are very familiar with these people and we know, many of them are great people, God-fearing people who work very hard. And I am proud to say that I have worked side by side building fence with people who I knew were illegal immigrants. And I will tell you they are hard working good people, the ones that I have encountered. This has nothing to do with being against those people. I am against rewarding illegal behavior.

I have talked about some of the things that will overwhelm the system, the processing of amnesty, the processing of this ID card which we can do, and I agree we can do, but the processing in the present system will overwhelm it. The process of the whole guest worker program and what it takes to get the people properly documented so they can do this is going to require a tremendous amount of additional work on those who are in charge of that system. And are we providing for them? Are we going to be ready for that? Can we deal with that? We are not ready for that. We have got to address that more in detail.

The background checks, I can't tell you how far behind that is going to get, but it is going to get 10 or 15 years behind. The health checks should be and necessarily need to be required.

Some of the provisions that really have upset people back in Texas that I have talked to, and let me say, I have not talked to a single person, and I have talked to a bunch of them, that live in Texas that aren't completely overwhelmed by the Senate version that has been passed and just totally against it. One example is, I understand the Senate has a provision for retroactive Social Security payment to illegals.

Now, you tell that to Texas teachers, or for that matter, Federal employees, who don't get their Social Security by the nature of their retirement, that they are going to reward people who broke our laws on multiple occasions by giving them retroactive Social Security. I am telling you, I have got some teachers that are fighting mad about that issue in Texas. And I think if the Federal employees, which make up the vast majority of the people who are in that hole that don't get their Social Security, will also be very concerned about the fact that we are offering to give people who broke our laws Social Security, when people who have abided by the laws, at least in their opinion, feel like they have been deprived of money they paid into the Social Security system.

You know, when you come in here legally, there are some things you have to do. My wife is a legal immigrant to the United States and now an American citizen, so no one should ever accuse me of being anti immigrant. I married one. I have four children with

one, four living children with my beautiful wife.

My district director is married to a Canadian. They have two children. It took us 18 months to get his wife from Canada to Texas, doing it legally. Now, she could have hopped in her car, with that blonde haired, blue eyed, almost golf pro from Canada, she was probably one of the top amateur golfers in the country, a scholarship athlete at a university in the United States and went back home and had her children, and now we had to get them out of Canada to be with her husband in Texas. It took us 18 months. And she cannot work at all by agreement for a year. And then she can apply to possibly go to work, but maybe they won't let her work for the next year. She has to register and reapply every year annually to maintain her status in the United States. This is a person whose background check showed she never even had a parking ticket in her life, much less anything. But the background check took forever.

A person who flew from Northern Saskatchewan to Montreal to have her interview with the Immigration Department and flew back. She went through all the hoops to come in here. She is denied employment for a year. She has to register every year. She is required to have a sponsor who will stand up and say they will be responsible for the expenses that she might incur so that she will not be put on the welfare system of our country.

And yet, people who come in here illegally are taking advantage of every program that is out there, including an overwhelming of our hospital system. You know, we all would like to have free medical care in this country, but there are some who have it, and many of those people are not citizens of this country. And there is a something out of whack on that, Mr. Speaker.

And let me say, I want to preface all this by saying, I am compassionate for the people that are here and I care about them. And I think this system so overwhelms our system, what the Senate is proposing, that it is going to overwhelm these shy people. And let me tell you, most of them are very shy and staying in the shadows because they know they are here illegally. And if anything is too much for them, I do not expect them to participate.

I will also tell you, Mr. Speaker, having talked to many illegal immigrants about where they come from, what they are here for, there are many of these people that didn't come here for citizenship and don't care to get it. So citizenship is not going to be a plum that brings them out of the shadows.

The fact that the Senate has put a provision in on prevailing wage shows that they really don't understand why people have hired these folks from Mexico and from Honduras and Guatemala and Nicaragua and all points south. If they needed to hire somebody for prevailing wage to pick fruits in the central valley of California, if they

were going to pay, if the pickers intended to pay prevailing wage, which by every interpretation of the 22 Federal contracts that I have worked on as a lawyer in my lifetime, and at least the five cases that I can recall that were before my court, prevailing wage, no matter whether you mention Davis Bacon or not, is presumed to fall under the provisions of Davis Bacon and the rulings made by the Labor Department as to which each region has as prevailing wage.

And believe me, Mr. Speaker, minimum wage is not there. I can tell you that anywhere in the valley, Rio Grande Valley you can pour a slab for minimum wage. But if you are under a Federal contract, you will pay at least three times what you can pour any slab for in the valley, because the Davis-Bacon Act and the prevailing wage provision requires that kind of expense.

So, by putting that in there, right there, there are going to be a lot of people that say I don't want any part of that because I am going to lose my job if my employer is required to pay that kind of wage to me. So I will stay right here. And if they do try to get that wage, I think, unfortunately, there are people, even with employer sanctions, that are still going to be looking for that next wave of illegal immigrants to come across our southern border.

So, with all these problems, I would like to propose to this House that we consider doing this right. All these issues as to the people that are already here illegally, and the people that are coming across every night, and the people who would be willing to come over here as part of a work program, all of these issues need to be, we need to step back and look at all the holes that is in what we are proposing today and try to figure out how we can put together a system that will really work to solve these problems.

So I propose that the House bill and those Senate provisions which enhance border security that are in the Senate provision, Senate bill, should be what we pass out of conference to this floor to be voted into law today. And I would also propose, Mr. Speaker, that in that bill, we give a pledge, you can call it a contract with the immigration community, that we will expedite a study and solution that works, that doesn't overwhelm, that has the resources to make this whole system work over the next 12 to 18 months as a dedication of this House to fix this problem correctly, not 2 weeks debate in the Senate, and put patches on a leaking tire.

Mr. Speaker, if we will calm down, defend our borders and address each of these issues in an appropriate order to come up with sanctions for employers and means to identify these people that have a valid reason to working and a valid card, some kind of biometric thing, if we will create those things, and as we do it, say, and how is this system going to work and maybe we have to do something else to make that

system work. Does it take an FBI agent to do every background check? I think that is a question that needs to be addressed.

I think there are a lot of questions that are coming up in what I would consider a rushed decision to judgment on immigration, and we are still leaving the base of what we call legal immigration totally and completely unworkable. And many of our work visa programs that we have in this country that want to bring this some of the technical workers that we really need here are overwhelmed also to the point where they become unmanageable for the people involved.

With this, I propose, Mr. Speaker, that we think hard about giving a pledge to the American people and to the immigrant community that we will work out a workable system fair to Americans and fair to those people that are here. I don't know what it will be. I have ideas. There are many great men and women in this House and in the Senate who have good ideas too. And we can study those ideas, bring in experts, get the real numbers, know what the real problems and the real solutions to these problems, slow down and do it right because, Mr. Speaker, if we don't do it right, nothing will change in the immigration policy of this country, and nothing will change on our borders. And that is a fear that I, quite frankly, do not think the American people are willing to live with.

And finally, Mr. Speaker, with all those thoughts about immigration, you and I know, as I know you well, you are very concerned about the security, the homeland security of this country. And Mr. Speaker, all of that has to be planned in here so we know who is coming and who is not and who we didn't catch and how to hunt them down so the terrorists and the people who would do us harm or just the common criminals who come here to steal, rob, rape, pillage and whatever they plan to do, we know them, we can find them, we can incarcerate them, we can give them a fair trial like we give everybody that is inside the continental United States or subject to our jurisdiction and deal with them properly. But the unknown is intolerable.

So Mr. Speaker, I realize the hour is late, and the reason I am here late is because I think this message is so very important to the American people. Let's pass border security and let's make a proper effort to come up with a solution to these problems, not a patch.

And with that Mr. Speaker, thank you for being here with me tonight and thank you for the late hour.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Ms. PELOSI) for today on account of illness in the family.

Mr. CAMPBELL of California (at the request of Mr. BOEHNER) for June 6 and until 5:00 p.m. on June 7 on account of personal business.

Mr. MCHUGH (at the request of Mr. BOEHNER) for today after 8:00 p.m. and June 9 on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MARKEY) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. SODREL, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 193. An act to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 2803. An act to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.) the House adjourned until tomorrow, Friday, June 9, 2006, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7902. A letter from the State Director, Department of Agriculture, transmitting the Department's report entitled, "Community and Business Programs Project List" cumulative through September 30, 2005; to the Committee on Financial Services.