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Floor Statement on S. 1488 - Immigration and Naturalization Amendments of 1971

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No. 48

By Mr. MUSKIE (for himself, Mr. ANDERSON, Mr. HART, Mr. HUMPHREY, Mr. METCALF, Mr. STEVENSON, and Mr. MONDALL):

S. 1488. A bill to require an immigrant alien to maintain a permanent residence as a condition for entering and remaining in the United States, and for other purposes. Referred to the Committee on the Judiciary.

IMMIGRATION AND NATURALIZATION AMENDMENTS OF 1971

Mr. MUSKIE. Mr. President, I introduce for appropriate reference a bill (S. 1488) to prevent aliens from unfairly taking jobs from American citizens and to assist education, housing, manpower training, and economic development in our troubled border communities. This bill, which is a reintroduction of S. 3545 from the 91st Congress with revisions, will amend the Immigration and Nationality Act to require an immigrant alien to establish and maintain a permanent residence as a condition for entering and remaining in the United States. I ask unanimous consent that the text of this bill be printed in the Record following my remarks.

The ACTING PRESIDENT pro tempore (Mr. BAWRSKY): Without objection, it is so ordered.

(See exhibit 1.)

Mr. MUSKIE. Mr. President, for too long we have tolerated distressing conditions in many of our border areas—a combination of immigration abuse and stagnation of economic development. These conditions have plagued some of our northern border areas, including

parts of my own State of Maine, and created substantially greater distress in many of our southwestern border communities.

The problems stem in large part from the entrance of large numbers of alien workers, many of them illegal entrants, who take American jobs. These aliens, especially in the Southwest, have raised unemployment levels; lowered wage scales, forced the welfare rolls upward, and exposed Americans and aliens alike to exploitation by unscrupulous employers.

The disproportionately heavy impact of immigration on border towns, an impact which is probable regardless of what system of immigration is employed, creates a severe strain on schools and housing in many of these areas. And economic development, particularly in the creation of new jobs, has lagged far behind the needs of many of these border areas.

Each year that I have been in the Senate I have received mail from my constituents in the border communities of Maine complaining about these border problems. I am sure Senators and Congressmen representing the 15 border States have heard similar complaints. The looseness of immigration laws and the longstanding neglect of border community needs has led to much unnecessary bitterness.

One of my constituents wrote to me about the loss by American citizens of jobs to alien workers who continue to live in Canada. "A worker in a community who lives in a foreign country adds nothing to the social and economic betterment of the community," he commented:

I could cite you many instances when friends and relatives have been out of work and unable to get employment for long periods of time.

Another man wrote,

While Canadians and other were daily entering the United States . . . to work in the United States and live in Canada. If these circumstances were reversed and happened to your relatives and friends, I am sure that the impact would hit you more directly. . . .

persons who are returning to a permanent residence in the United States after a temporary absence abroad not exceeding 1 year.

Abuse of these green cards has developed because "greencarders," who were supposed to have been alien immigrants, frequently have maintained their homes in Mexico or Canada. They commute daily or frequently to work in the United States. Under an "amiable fiction" that they are alien immigrants, they have been able to enter the United States regularly with their green card in lieu of an immigrant visa or reentry permit. Thus, the green card system has been allowed to evolve into a kind of work permit system. And a system of large proportions. A count made by the Immigration Service on October 31, 1969, indicates over 49,000 "greencarders" crossed the Mexican border on that day alone.

In addition, there are estimated to be from 100,000 to 400,000 greencarders who enter this country for several weeks or months at a time to do seasonal migratory farm labor.

The harmful effect of this large, uncontrolled labor influx on the wages and unemployment of American workers has been documented in a report prepared by the U.S. Department of Labor for the Select Commission on Western Hemisphere Immigration. I ask unanimous consent that the pages 113-130 of this report be printed in the Record following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 2.)

Mr. MUSKIE. Mr. President, characteristic of this data is a study made in Laredo, Tex., where unemployment was 11.3 percent of the total domestic work force. Two large garment manufacturing firms were found to employ 88 greencard commuters as sewing machine operators at the very time the Texas Employment Service listed 156 U.S. sewing machine operators at that time were unemployed. A comparison of wages paid by firms employing only U.S. workers was found to be 38 percent higher than the wages paid by firms employing commuters in identical occupations.

Another unfortunate consequence of immigration abuses has been the reports in recent weeks that greencard strikebreakers have been imported to the Abatti Company strike sites in southern California in an effort to cripple legitimate legal strikes by the United Farm Workers Organizing Committee. The greencard commuter system was found to have caused similar strikebreaking and other consequences detrimental to American Workers in Delano, Calif., in May of 1968, by a high-level Labor Department report. I ask unanimous consent that the text of this report be printed in the Record following my remarks.

The 1965 amendments to the Immigration and Nationality Act place a limitation of 120,000 on total annual immigration to the United States from all Nations in the Western Hemisphere. Given this limited quota, it seems unfair that a single one of these 120,000 positions be used by any person who does not intend to come to permanently and physically live, work in, and become a part of American society.

The legislation I am introducing today recognizes that the greencard commuter problem will be eliminated only by specific congressional action. Mr. Charles Gordon, General Counsel for the U.S. Immigration and Naturalization Service, wrote in the Case Western Reserve Journal of International Law—volume 1, No. 2, spring, 1969, that legislation is needed. He said:

It is unlikely that there will be any significant changes in the administrative approach to the (greencard) commuter prob-

lem. As I have noted, proposals to end or modify the program have been rejected by the administrators on the ground that they have been enforcing the will of Congress. Consequently, it may be expected that unless changes are enacted by Congress the alien commuter program will continue to operate as it has for the past 40 years. Thus, if changes are to be made they apparently will have to be accomplished by new legislation.

The legislation I am introducing would not entirely bar Mexicans and Canadians from working in the United States. It recognizes that these workers sometimes perform jobs for which there is no American labor available. This is particularly true in some of our economically integrated communities which span the border communities. The bill is designed to insure an orderly, controlled immigration policy which does not have a harmful effect on the American worker.

Specifically, my bill:

First. Would redefine the term "lawfully admitted for permanent residence" under the Immigration Nationality Act so that all immigrants must permanently and physically reside in the United States.

Second. Would establish a nonresident work permit system for communities within 20 miles of the border to replace the greencard commuter system. This new form of border-crossing authorization is needed for economically integrated communities which span the border.

Work permits would be issued only after the Secretary of Labor, certified that American workers are not available and, if none are available, that the wages and working conditions of Americans similarly employed would not be adversely affected. I have included a provision for periodic review of such certification. My intention is to give the Secretary of Labor wide discretion in determining under what conditions work permits should be granted or withdrawn. Specifically, I have in mind situations where work-permit holders are used as strike breakers. In such cases the Secretary of Labor would revoke the work permit. In brief, I would grant to the Secretary of Labor authority to promulgate such rules and regulations as he feels are needed in implementing these amendments.

Third. The bill would establish a 2-year grace period during which time the present greencard commuter system would be phased out. During this time, greencard commuters would have to either become bona fide United States residents by moving to this country or

transfer to a nonresident work permit status. During the 2-year period, greencard commuters would be subject to rules and regulations promulgated by the Secretary of Labor for the work permit holders.

Fourth. The bill would authorize a total of 12,500 numbers to be added to the Western Hemisphere numerical limit for use of new permanent resident during the 2-year period following the enactment of this Act. This would provide for greencard commuters who decide to make a bona fide move to the United States under the provisions of this bill. The Immigration and Naturalization Service, for immigration purposes, would extend to an entire family the same priority date as their U.S. "greencard" principal.

Fifth. The bill would eliminate the present exemption applicable to employers from the so-called "harboring" provisions of section 274(a)(4) of the Immigration and Nationality Act. Thus, it would be a criminal offense for employers willfully or knowingly to induce the entry of any alien not lawfully entitled to enter or reside in the United States. This criminal offense currently applies to all nonemployers. This offense would apply to cases involving aliens who accepted

United States employment in violation of the law, including green card holders, nonresident work permit holders and Form I-188 visitors.

Sixth. This bill would establish a new civil action provision which may be invoked in a Federal court by any person aggrieved by violations of these amendments. This gives American workers a new form of protection against competition from alien workers.

Seventh. This bill would authorize, on a one-time basis only, \$25 million for school systems affected by the influx of green-card commuters moving their families to the United States under provisions of this act, as determined by the Department of Health, Education, and Welfare.

Eighth. This bill would authorize an additional \$25 million in Manpower Act—MDTA—funds to provide manpower and employment assistance to green-card commuter families moving to the United States under the provisions of this act. This would be done either directly or through the appropriate State public employment service.

Ninth. This bill would authorize, on a one-time basis only, \$50 million for housing to residents of communities within 20 miles of the border whose housing opportunities are adversely affected by the immigration authorized by this act and to immigrants under this act. This provision has been added to S. 3545, the bill I introduced last year.

Tenth. This bill would authorize separate binational study commissions with Mexico and Canada to review the potentialities for binational cooperation in the economic development of border areas, especially in the creation of new jobs. This is also a new provision I have added this year to strengthen the bill. We would join these commissions with the understanding that under no circumstances would American jobs be transferred to the other side of the border.

Mr. President, I urge early and favorable consideration of this bill. This bill recognizes the complexity of the human, economic, and legal problems of our border areas. I can assure you that much thought and expert consultation has been devoted to this legislation, and I feel it is measurably improved on the bill I introduced last year. This bill will bring a greater measure of social justice to the inhabitants of our border communities, especially in the Southwest. It will insure an orderly immigration system and lay the groundwork for revitalizing the economy in some of our depressed border communities.