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Testimony of
State Representative Daryl Metcalfe,
Pennsylvania House of Representatives,
before the
Michigan House Commerce Committee
September 13, 2011

Good morning, I'm State Representative Daryl Metcalfe, Majority Chairman of the Pennsylvania House of Representatives State Government Committee and Founder of the State Legislators for Legal Immigration (SLLI) coalition.

Thank you, Chairman Schmidt, for allowing me to testify before your committee today. I would also like to thank Representative Agema for inviting me to provide testimony.

Article 4, Section 4 of the U.S. Constitution states that our government "shall guarantee to every state in this Union a Republican form of government and shall protect each of them against invasion."

In 2007, with the help of colleagues across the country, we founded this nationwide coalition to provide a network of state legislators who are committed to working together in demanding full cooperation among our federal, state and local governments in eliminating all economic attractions and incentives for illegal aliens as well as securing our borders against unlawful invasion.

Including Pennsylvania, there are now 41 states represented in the coalition.

Our Nation is facing a non-stop invasion of illegal aliens, who are crossing our borders for three main incentives: stolen jobs, stolen benefits and stolen citizenship.

The recent executive order from the Obama administration halting illegal alien deportations while they reprioritize and individually review more than 300,000 illegal alien deportation cases to weed out "low-priority" illegal aliens, only serves as yet another reason for states not to expect the federal government to uphold its Constitutional duty to protect American lives, liberty and property against the clear and present dangers of illegal alien invaders.

Allowing "low priority" illegal aliens to remain in the United States will only further increase the tax burden on hardworking citizens and legal residents, while putting the lives of American citizens in jeopardy. Illegal aliens will continue to access public benefits and public education, as well as overcrowd our courts, emergency rooms and prisons.

State and local governments not only have an obligation, but the right, to protect their citizens by taking action to address this national security threat.

Each and every illegal alien's first step across our borders is a violation of our federal immigration law. To exist in our economy they violate our laws on a daily basis. They break our labor laws, our transportation laws, our insurance laws and even steal American identities and Social Security numbers to access public benefits and steal American jobs.

There are no innocent illegal aliens.

We have documented case after case of horrific crimes being committed by foreign nationals who should not be on our soil in the first place, including; homicide, rape, molestation of children, human trafficking, drug running, and gang violence.

By enforcing our current laws and enacting legislation, like House Bill 4024, the incentives that attract illegal aliens would be eliminated and states would experience attrition through enforcement. State Legislators for Legal Immigration supports the mandated use of E-Verify by all employers across the United States.

As the following excerpts document, states are successfully creating policies that lead to self-deportation after eliminating economic incentives.

A July 25, 2010 *Reuters* article cited an illegal alien, Wendi Villasenor as "headed for Pennsylvania" from Arizona, "We have no alternative. They have us cornered," she stated.

On April 23, 2010, SLLI member, Arizona Senator Russell Pearce's Senate Bill 1070 was signed into law.

A March 2011 report from the Public Policy Institute of California (PPIC) shows a 17 percent (approximately 92,000 people) decrease in Arizona's "unauthorized immigrants of working age population" between 2008 and 2009. The PPIC noted that this decrease is more than the comparison states experienced during the latest recession.

The Legal Arizona Workers Act took effect January 1, 2008, and prohibits businesses from knowingly or intentionally hiring an unauthorized alien, and requires all employers to use E-Verify. The law was sustained by the U.S. Court of Appeals for the Ninth Circuit in 2008, and recently upheld by the U.S. Supreme Court in the *Chamber of Commerce v. Whiting*.

A January 10, 2008 *USA Today* article states "...in late October, about 40 employees disappeared from the 600-acre nursery about an hour's drive from Tulsa. 'Some went to Texas, some went to Arkansas,' [Greenleaf] nursery President Randy Davis says. 'They just left. Those states don't have 1804.'"

SLLI member, Oklahoma State Representative Charles Key's House Bill 1804 (Oklahoma Taxpayer and Citizen Protection Act of 2007), took effect November 1, 2007 and requires public employers, contractors and subcontractors to participate in E-Verify.

An August 18, 2011 publication of *The News* article states "He [Martin Morales] said he has lost about 15 employees at his restaurants since the new immigration law was signed. 'They are gone – they are in Louisiana now,' he said."

SLLI member, Alabama State Senator Scott Beason's House Bill 56 (Beason-Hammon Alabama Taxpayer and Citizen Protection Act) was signed into law June 2011, and requires all employers to enroll in E-Verify.

Some states realized *attrition through enforcement* even before their laws had taken effect.

At least 18 states require the use of E-Verify by public and/or private employers. Some SLLI members who have successfully introduced and enacted E-Verify legislation, include: Indiana State Representative Eric Koch was the House Sponsor of Senate Bill 590, which was signed into law in April 2011; North Carolina State Representative George Cleveland's House Bill 36 was signed into law in June 2011; Tennessee State Representative Joe Carr's House Bill 1378 was signed into law June 2011; and Georgia State Senator Jack Murphy sponsored the Senate version of House Bill 87 which was signed in May 2011.

Many more SLLI members have introduced legislation in the past and have current legislation, such as: Oregon State Representative Kim Thatcher's House Bill 2805 from this past session; Texas State Representative Leo Berman's House Bill 296 from this past session; New Jersey Assemblywoman Alison McHose's Assembly Bill 189 from this past session; and my own E-Verify legislation in Pennsylvania, House Bill 858.

House Bill 858 is included in a 15-bill National Security Begins at Home legislative package, which could ultimately save Pennsylvania taxpayers \$1.4 billion annually.

Illegal aliens are discouraged from applying for jobs when E-Verify is required, and they find states who are considering workplace and other enforcement measures to be an unattractive location to hideout. Michigan, Pennsylvania and other states without an E-Verify law will, by default, become sanctuary states. The taxpayers of a sanctuary state bear the additional cost and are exposed to a greater risk of being victimized by the violent criminal element, who find cover amongst the increased illegal alien population.

E-Verify is a free, effective and efficient system that employers can and have used to guard against employing illegal aliens.

Statistics provided by the U.S. Citizenship and Immigration Services (USCIS) and based on fourth quarter Fiscal Year 2008 (July 2008 through September 2008) show that 96.9 percent of employees are automatically confirmed as work authorized either instantly or within 24 hours. The USCIS's Westat report found that 99 out of 104 employers using E-Verify were generally satisfied with the program and did not find it to be burdensome.

Today, you are considering House Bill 4024, which would require certain employers who contract or subcontract with public agencies to verify the employment eligibility of new employees through the E-Verify system.

As of September 8, 2009, federal contractors and subcontractors have been required to use the E-Verify system.

House Bill 4024 is commonsense legislation, which would mirror the federal requirement at the state level, here in Michigan.

Passage of House Bill 4024 will make it harder for illegal aliens to steal jobs from Michigan citizens, less economically viable to remain in the state and would ultimately protect taxpayers. According to a 2010 FAIR report, ending the illegal alien problem in Michigan could save taxpayers \$929 million annually.

As founder of SLLI, I traveled from Pennsylvania to Michigan today in support of House Bill 4024 because I believe as state lawmakers, who have taken an oath to uphold and defend the Constitution, we have a responsibility to join together as states, and hold the federal government accountable for its clearly-defined Constitutional duty to protect American lives, liberty and property against the illegal alien invasion.

We must, as states who originally united to create the federal government, serve Congress with notice that we will not stand for violations of our Constitution any longer.

In conclusion, I cannot emphasize strongly enough that since Washington is blatantly ignoring its responsibility to secure our nation's borders against foreign invaders, it is not only incumbent, but the obligation of state lawmakers like us serving directly on the frontlines, and also as the last line of defense for our constituents, to enact policies that will protect the lives, liberty and property of our citizens.

Final passage of House Bill 4024 would be a monumental first step for Michigan lawmakers to take in standing up for and protecting the rights and jobs of your citizens.

Thank you.