

So, you have a series of benchmarks and a series of triggers. And when you look at what that means, it's quite interesting. The triggers are not based upon performance, they are not based upon getting operational control of the border or security, they're just based upon spending money. So if we spend enough money and we build some fence on the border, up to 370 miles of that fence, that releases one trigger, and it legalizes this. Well, the trigger is the Path to Citizenship, by my view. Those who get provisional status here are everybody that walks forward that we don't have their fingerprints and that have not committed a felony or a serious misdemeanor.

So one of the triggers, to build some fence; that doesn't mean that you can't build it in such a fashion that we are building. They will go around the end. But it is not the 854 miles of fence that this Congress has mandated, that passed the floor of this House, that passed the Senate by a vote of 80-19, that went to the President where he signed it, without ceremony, I might add; without significant ceremony. No, the American people are being docked 484 miles of double wall and fence because the trigger is 370 of it built. Now they say they are going to go ahead and build the rest, but it's not appropriated, and you know how that goes. We have appropriated money to some fence, and that is \$1.187 billion to that.

Then another trigger is that, let's see, that we hire up to 18,000 Border Patrol officers. That is a trigger. Well, we've got a turnover there that the new hires only have an average turnover of 24 months. So you've got to hire a lot more to keep them in place. That's two of the triggers.

But it's today in law, Mr. Speaker, that the Secretary of Homeland Security certify "operational control of the border." And the definition of "operational control of the border" is a real operational control of the border, and that means to effectively and definitionally eliminate illegal border crossings, to force all crossings through the ports of entry, to have sufficient conditions there so that we can interdict contraband and illegal border crossers. That's one that could be a trigger that is already in law. It's not the trigger. The trigger is, cut back the fence and wall by 484 miles and build 370 of it only.

What's not in the trigger? The U.S. VISIT exit system. After September 11, we required that we establish a U.S. VISIT system that would, by computer, you could swipe your card, and it would tell you when you came into the United States; you went up on a tally sheet as in the United States. When you left, the exit portion of U.S. VISIT tallied that you left. And you have a list of the sum total of the people that are here in the United States, but the administration said we can't build U.S. VISIT. We can't make it work in the exit system, and we're not going to try. That was a few months

ago. Well, this can't work without an exit system for U.S. VISIT. That's not the trigger. They think maybe they are going to go forward and build it, but it's not in the trigger, and it should be because their system can't function without it.

I said operational control of the border. Twenty thousand additional beds to help us be able to process these illegal border crossers, they don't have to be in place, but that is something that has to happen. None of this is funded, by the way.

And so, if I look at the other missing portions of this, the sanctuary cities, the significant number of large cities in America that have an executive order, or their city council has passed an ordinance or other political subdivisions that prohibits their law enforcement officers from cooperating with Federal law enforcement officers with regard to immigration status. So they say you can't even gather information on people whom are in the United States illegally even when you know they are there illegally, even when you know they are gang members. You can't go in there and interdict them and deport them because they want to be a sanctuary city. And yet, when we come across the people that don't sign up, according to the Senate version of the plan, somehow we are going to deport them, without the help and support and cooperation of local law enforcement, who are allowed to draw down billions in Federal dollars, but defy Federal law and prohibit their local law enforcement officers from even cooperating and gathering data so that they can cooperate with the Immigration Customs Enforcement people, with the ICE people.

Sanctuary cities are not addressed. They have a sanctuary in this bill to defy Federal law. We must have them in order to do that and in order to make this work.

And then, an annual hard cap. They say it's 12 million. I say it's a lot more than 12 million. I think it's more than 20 million. But they don't consider that; the 12 million is the floor, not the ceiling. There is no ceiling. And so they will sell this package without a real estimate on how many it will be, Mr. Speaker. And when you ask them, will they support or will this House, and they will get their chance to do it, will they support putting a cap at 12 million? You think it's 12 million? Fine. Put it in law that you're not legalizing or authorizing any more than those you say that you're authorizing right now. And I'll submit that they will resist that hard cap. In fact, I don't think it has been a serious discussion over in the Senate. I saw the looks on their faces when I brought up the issue, and it's like we haven't really thought of that.

□ 2015

I think there needs to be a hard cap. I believe we have enough labor. I know there are 69 million Americans working

age that are not in the workforce. There are about 6.9 million working illegals. You could hire one out of ten of the people not in the workforce today of working age and replace all illegals. That is all it would take.

The illegals that are in the workforce are 4.7 percent of the workforce. They are producing 2.2 percent of the work, for skill reasons, and we know that. If you think that would be cataclysmic on the American economy if we got up tomorrow morning and we didn't have that labor to do that work, some places would make some dramatic adjustments, yes. But if it were your factory and your workers, you found out at 7:30 in the morning when they clocked in at 8 that 2.2 percent weren't going to show up, your alternative would be this: You would simply send out a memo to all of your people and you would say sorry. Today your coffee break in the morning and afternoon gets cut from 15 minutes down to 9½. We are going to pick up the 2.2 percent of the production, and we will still be clocking out of here and you can go home at 5 o'clock.

That is how much labor that is. That is how much production 2.2 percent is. And then you would start to hire the people to fill the gap. Hire the people that are here legally, put the people to work that are here riding already in this cart, as was mentioned by Mr. WAMP.

So we have the solutions to this here in this country. We need to adhere to the rule of law and preserve and protect the most essential pillar of American exceptionalism, that rule of law.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ENGEL of New Jersey (at the request of Mr. HOYER) for today on account of family medical reasons.

#### 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. McDERMOTT) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

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

Mr. BILIRAKIS, for 5 minutes, today.

Ms. GRANGER, for 5 minutes, today.

Mr. SALI, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today. (The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. PAYNE, for 5 minutes, today.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1352. An act to designate the facility of the United States Postal Service located at 127 East Locust Street in Fairbury, Illinois, as the "Dr. Francis Townsend Post Office Building", to the Committee on Oversight and Government Reform.

#### ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 988. An act to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office".

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 9:30 a.m. on Monday, May 28, 2007, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 158, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 8 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Monday, May 28, 2007, at 9:30 a.m., unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 158, in which case the House shall stand adjourned pursuant to that concurrent resolution.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

1965. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General for the period October 1, 2006 through March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

1966. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's report for the first quarter of fiscal year 2007 as required by the Joint Improvised Explosive Device Defeat Fund provision in Title IX of the Department of Defense Appropriations Act of 2007, Pub. L. 109-289; to the Committee on Armed Services.

1967. A letter from the Secretary, Department of Energy, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1,

2006 to March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

1968. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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1982. A letter from the Assistant Director, Executive & Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1983. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1984. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1985. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1986. A letter from the Assistant Director, Executive & Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1987. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1988. A letter from the Director of Human Resources, National Endowment for the Arts, transmitting the Endowment's FY 2005 and FY 2006 usage of Category Rating Human Resource flexibility report, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

1989. A letter from the General Counsel, Pension Benefit Guaranty Corporation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1990. A letter from the Assistant Secretary for Administration and Mgmt., Pension Benefit Guaranty Corporation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1991. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, the Corporation's Annual Report for FY 2006; to the Committee on Oversight and Government Reform.

1992. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006, pursuant to Public Law 109-115, section 837; to the Committee on Oversight and Government Reform.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 964. A bill to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes; with an amendment (Rept.