

say. And then add to that another 8 percent, and which I think is a very low estimate of what cap-and-trade or cap-and-tax would actually do to us. So I don't know what's left. Whatever part of the economy they would like to take over.

But from my standpoint, every bit of free enterprise that's out there increases the vitality of Americans. They have got a reward for working and producing more effectively. It's not enough to work hard; you have got to work smart, too. And everything that the Federal Government takes over diminishes the vitality of the American worker and lowers the average annual productivity of our American people, which diminishes us as a people and reduces our gross domestic product and takes our standard of living down.

Mr. AKIN. You know, what you are talking about makes all common sense economically. One other thing, and I have heard people talk about this, you can take a look and see that we are not learning from history. You can see that socialized medicine didn't work well in England because you look at the cancer rates there. You take a look at Canada, their socialized medicine system costs them a fortune. When you get sick in Canada, you come down to America to get medical care. And you can see examples.

You can see examples of it not working in Massachusetts, not working in Tennessee. And yet we refuse to learn from it. It didn't work in the Soviet Union. We refuse to learn. And to some degree, you can say logically we should be smarter than to do all this socialistic stuff.

But there is another argument why it's not a good idea which I have not heard as often. Maybe it's a more emotional argument, but it is true nonetheless. And that is that it's stealing. It's stealing. When the government takes money that it's not authorized constitutionally to take, that it has no moral logical reason why the government should take money and redistribute money, it goes back to the argument between the President and Joe the plumber. And the President made it very clear. He said we think it's the job of government to take money from one person and give it to someone else.

Now, when and where does the government have the authority to steal money from one person and give it to someone else? If I beat you over the head and take your wallet, we call it stealing. But if the government takes your money out of your pocket and gives it to me, is it morally any different? It's still institutionalized theft. And fortunately, our Founders understood that.

They pitched socialism out with Governor Bradford in the 1620s when it was imposed on the Pilgrims by the loan sharks from England. They understood that not only did socialism not work, they tried it. They almost starved under it. They also knew that it was morally wrong and that it was institutionalized theft.

Mr. KING of Iowa. Is that the point in history when the first order came down no work, no eat?

Mr. AKIN. I think that the no work, no eat came a long time before the Pilgrims. As I recall, it was written in the Good Book.

Mr. KING of Iowa. But in the United States?

Mr. AKIN. That might have been a direct quote from Scripture, though. So that's good.

We are getting pretty close in time. Well, I am very thankful for the opportunity to share with my colleagues and friends my very deep concerns about the fact that we are doing the wrong things in the economy. And the solution is straightforward. It is cut taxes, cut government spending, and repeal the socialized medicine bill and get back to some sense of fiscal sanity and reduce the number of functions the Federal Government is trying to do. This isn't that complicated. It's been done before. There is all the precedent that shows if we do this it will work. But we are on the wrong track now.

I do thank my good friend from Iowa, Congressman KING, who has just been a stalwart of freedom and liberty. And God bless you and God bless the USA.

IMMIGRATION ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized to address you here on the floor of the House of Representatives and the privilege to also have the gentleman from Missouri (Mr. AKIN) yield to me as he delivers the leadership hour presentation on the economic situation here in the United States and the opportunity to say a few words on that particular subject. And I may revert back to that subject, Mr. Speaker.

However, I would shift this subject a little bit over onto a subject matter that seems to be on the minds and lips of Americans all across this country. I have had the privilege to travel to some of the corners of America in the last few weeks and had my conversations in the coffee shops and in the restaurants and in city halls and in meeting places, and I was a little bit surprised that—I had had the perception that in my district immigration becomes an issue that is very much front and center, and I expect that's going to be the case in States like Arizona, California, Texas, those States that are border States, New Mexico, where you have a large number of illegal border crossings. But I didn't expect it would be the case in the Northeast, for example, and other places across the country to the intensity that it was.

I found that at every stop someone would bring up immigration. And it reminded me of the times in 2006 and in 2007 when this Nation debated immigration intensively and constantly at

every stop, even to the point where, as much as I like to talk about it, and as interested as I am in the subject, and since I am also the ranking member of the Immigration Subcommittee it's my job, Mr. Speaker, but in my town hall meetings in '06 and '07, in many of them I set the rule that we were going to talk about everything except immigration until we had dealt with everybody's concerns and issues. And then we would go to immigration to finish the time that we had left. And invariably, we would get to immigration and it would burn all the time that we had left because the American people are very intense on the immigration issue.

And we watched as Frank Luntz did a focus group, or at least one that I could see down in Arizona, he just came back from that recently, and we watched how that group itself was divided between themselves, with very intense emotions, most of them full of frustration and anger about the immigration issue, not in complete agreement on what to do.

It seems as though the Hispanics in America are where you find the objections to the enforcement of immigration law, the most vocal ones. And yet we also know there is a large number of Hispanics that many of them have been here for hundreds of years, their families have been. But I will submit that that doesn't get anybody anything.

I just shook the hand of an individual down at the Turkish reception tonight who is a naturalized American citizen as of about less than 3 weeks ago. And I would express this, that for any of us to argue that our ancestors have been here since the beginning of the Republic, the Daughters of the American Revolution, for example, and I am glad that they maintain those traditions. And it means a great deal throughout the families. And we understand that we have obligations that are generational that pass along because of the culture and the heritage of the family and the duty to our country.

But I recall standing in the Indian Room in the Old Executive Office Building as Emilio Gonzalez, the director of the Department of Citizenship and Immigration Services, gave a speech at a naturalization ceremony there which I attended for that purpose. And when he said to those gathered that were about to take the oath to become naturalized American citizens, he said, Look out that window. Look out that window. And when you look out the window, you look out at the White House itself and you see the vast south lawn and the south side and the west side of the White House. And he said, I want you to know two things. One of them is from this day forward you are as much an American as the person that lives next door. And he pointed to the White House, where President Bush lived at the time.

He said, when people ask you where are you from, don't tell them that you

are from Turkey or France or Mexico or Canada or wherever it may be. Tell them you are the first American. That you are an American and you are the first American, and you are as much American as the man that occupies the White House today. That's the right sentiment for this country for legal immigration. That's the way we should think about new Americans, in every bit as good a standing once they take that oath of citizenship and go through their naturalization process, in every bit as good a standing as someone born to the 10th generation of Americans that might be here.

But each of us has a different set of history, a different set of family memories that were taught a little bit differently, but we need to tie together under this American banner and this American history.

And so the idea that we are going to see students that are sent home from school because they are wearing the red, white, and blue on a day that's supposedly Mexican nationalist day, a day that's Cinco de Mayo, a day that's not celebrated to any significant extent even down in the city in Mexico where the Mexicans won the victory over the French, but celebrated here in the United States. Started up as a promotion. I think it was a beer distributor that actually began the celebration of Cinco de Mayo here in the United States, whatever that is.

Mr. Speaker, I don't take issue with the celebration of a holiday that makes people proud of their culture and their heritage. If that were the case, then I couldn't celebrate St. Patrick's Day, which I also recognize isn't celebrated so intensively in Ireland itself, but here it really is. And there are some real parallels here. It's the people that reject the American flag and reject the American culture that I take issue with, not the new Americans that are here that are proud of being and becoming Americans by choice.

But we have a big decision to make in this country. And this immigration debate has gone on for a long time. And it centers on this: it centers on the idea that the people that came across the border illegally should somehow be granted citizenship or a path to citizenship, if that's their goal, and somehow it turns into a reward for breaking the law.

Now, we need to recognize, Mr. Speaker, that there are hundreds of millions of people across this globe, and perhaps billions, that would love to come to the United States and become Americans. And they are waiting in line in the right way. They are respecting our laws. And I will submit that the people that respect our laws will make better citizens than those who have broken our laws. And our argument here in this country comes down to this: grant amnesty to people that broke our laws, reward them for breaking our laws because there is an argument that we must capitulate because we can't enforce the laws that we have.

Mr. Speaker, it is not the case that we can't enforce the laws that we have. And it is not the case that enforcing those laws would be ineffective in resolving this immigration problem that we have in this country. The problem we have is our administration lacks the will to enforce the law. And it isn't just the Obama administration and it isn't just Secretary Napolitano who have demonstrated a lack of will in enforcing immigration law. This goes back through several Presidents.

I would take us back to 1986, when President Reagan signed the Amnesty Act of 1986. And it was to provide amnesty for a million people that were in the United States illegally. And by the way, President Reagan was honest enough to call it the amnesty bill when he signed it. It was one of the very few times that President Reagan I will say let me down on something that I thought was philosophically wrong. And I remember disagreeing with President Reagan in '86 when he signed the amnesty bill. And I didn't consider that I would end up in the United States Congress some less than 20 years later to my arrival here and there would be an argument about what was amnesty.

It wasn't any question about what amnesty was in 1986. Ronald Reagan admitted the bill was amnesty. But he said he had to sign the bill. In order to get control of the borders, in order to enforce the law, he had to sign the amnesty bill. Now, that was his calculation. And I don't think he liked it philosophically, and he probably came to a conclusion that he didn't have a choice. Whatever the rationale was, he signed the bill. He called it amnesty. No one argued it was amnesty. It was to be a million people.

But the fraud and the corruption, the people that gamed the system tripled the number. And those who received amnesty in '86 were closer to the number of 3 million than they were the number of 1 million that was supposed to be the amnesty to end all amnesties that was going to put this away. And the only way we could get control of our borders in 1986 was to give amnesty to the people that were here and enforce the law against the employers and tighten the border and make sure that there wouldn't be a magnet for people to come into the United States.

And so, Mr. Speaker, what happened was the enforcement that was stronger, far stronger under Dwight Eisenhower, that diminished from Dwight Eisenhower's time on was stronger under Ronald Reagan than it was under the first Bush administration, and it was stronger under the first Bush administration than it was under President Clinton. And I recall my frustration with each of those Presidents and their lack of will to enforce immigration law.

And under Bill Clinton there was an accelerated effort to naturalize a million people into the United States. And I will say legal or illegal, as the anecdotes came to me. And I have talked to some of these people. They told me that they understood that they would be fast-tracked to citizenship, but they were to vote for Bill Clinton for President. That's what I heard from some that came through my district that I have sat down and talked with. And I don't know the specific data on that; I only know the anecdotal data. But if one shows up and tells me that, it's a pretty sure bet that there are quite a few others that had that same idea.

So a million were accelerated through naturalization in 1996, and a lot of them voted for Bill Clinton. And a lot of frustration was built among those of us who respect our borders, the sovereignty of the United States, the need and the obligation to defend the borders, and who respect the rule of law and do not want to see it subverted or eroded, especially intentionally and willfully by an administration seeking to produce a political gain.

And then, Mr. Speaker, from the Clinton administration, we transitioned into the Bush administration, George W. Bush, a man who I personally like and respect and admire, and found a couple of things to disagree with along the way, and this was one of them.

Well, it's odd for me, Mr. Speaker, to stand here on the floor and speak to the issues that I disagreed with with Ronald Reagan or the issues that I disagreed with on George W. Bush, but I saw a lack of enforcement of our immigration laws during that period of time under the George W. Bush administration as well.

□ 2130

And there was, in the second term of the Bush administration, there was a concerted effort to try to bring our—to try to bring comprehensive immigration reform to bear. "Comprehensive immigration reform" was the fancy term for "amnesty," and the debate about the meaning of amnesty ensued then. And rather than simply admit the meaning of the word "amnesty" and admit that comprehensive immigration reform really is comprehensive amnesty, the debate ensued about what amnesty was.

So the American people had to submit to a cacophony of different definitions of amnesty, and continuously the argument was made that, well, whatever it was they wanted to do to provide amnesty wasn't amnesty. I recall that discussion about, well, what if they pay a fine for \$500 and they promise to learn English and they promise to pay their back taxes, couldn't we give them a path to citizenship? And that's not amnesty, is it, because, after all, you charge them a fine. It's, well, if you're going to sell a path to citizenship for \$500, I will have to call that amnesty.

And if someone promises to learn English, that's an obligation of the naturalization process. You have to prove proficiency in both the written

and spoken word of the English language to be naturalized as an American citizen. Now, I know they get a little sloppy with that, and some of the people that are naturalized just aren't so very good when it comes to the spoken or written word of English. And you'll notice that at a naturalization ceremony when it comes time for people to stand, they may not recognize what that means. And I have heard different directions that have gone out to the crowd, and some sat there without responding, even though it was the most significant and pivotal moment of their life.

Well, I'm surely proud of those who step up and want to become an American and who are determined to assimilate themselves in the broader overall American culture, which has a lot of subcultures in it, admittedly, Mr. Speaker.

But we saw the enforcement of immigration diminish over these administrations that I've talked about from Dwight Eisenhower all the way to Barack Obama. And with Barack Obama, it's different than it was under the Bush administration. The Bush administration actually accelerated it and began to enforce the law at least more aggressively than they were in the last couple of years. It was, I believe, an effort to convince the American people that they were committed to enforcing immigration law. And I don't know if their heart was ever in it, but I believe it was at least, at a minimum, an effort to establish a record and a standard that they would use enforcement so that the rule of law could be reestablished, and then upon the establishment of the reestablishment of the rule of law, might possibly be able to pass an amnesty bill that the American people would accept.

I think it was a political miscalculation. I think it was a mistake for George W. Bush to give his amnesty speech that he gave on that January 5 or 6 of that year, sometime about January 5 or 6 of 2005, I believe it was. I think it was a mistake for the President to do that. I think that he should have first come out with a standard of we're not going to ask the American people to establish a new policy and grant a path to anything, to guest worker, or path to citizenship, or more of a permanent green card status until—unless and until we can establish, as a Federal Government, that the rule of law and the law enforcement personnel whose job it is to enforce immigration law will be enforced, and that those who break the law would do so with the expectation that they would be confronted by the law and punished in proportion to their crime.

And I will also submit, Mr. Speaker, that a nation that doesn't have a border can't declare itself a nation. We must have a border. We must define the border, and we can't call it a border unless we defend the border. And on our side of the border, the law must prevail and justice must be blind, and it has

got to be enforced by the people who are paid to enforce the law. If they decide not to do that, they are subverting our very civilization.

Many of the people who come here come into the United States because they live in a country that doesn't have the rule of law, a country that has corruption, a country that's always spiraled downward into third worldism, a country that probably can't be brought up to a—what I will say is a successful, modern, civilized nation within our generation, this generation of man. Many times it's hopeless to think of it with the level of corruption and the lack of rule of law.

Can't have that happen in the United States of America. Justice has been blind in America, and the rule of law has been firm, and it's been even-handed, and it's been rigid throughout centuries.

So Arizona recognized that there were Federal immigration laws that were not being enforced, despite all of the Federal officers that worked the border in Arizona, the lack of will, the lack of will that comes from the top, from the President of the United States to the Secretary of the Department of Homeland Security right on down the line through the Border Patrol and U.S. Customs and Border Protection personnel. You can go into the station at the Border Patrol and you can read the mission: We're going to get operational control of the border, to put it in the short version. The mission sounds good. But the mission has got to be in the heads and the hearts of the people who are carrying it out, and that's got to come from the top.

I listened last week to a speech that was delivered here at the American Enterprise Institute by General Petraeus who received the Irving Kristol Award there that evening, and it's a very respectable honor that recognizes the contributions of a very respectable man, Irving Kristol. And General Petraeus is a very fitting recipient of that reward.

And from memory, he made three points. As he left Iraq, and where I had first met him in 2003 where he commanded the 101st Airborne at Mosul, I think it's important to note that General Petraeus, even then, they swept in and liberated the northwest quadrant of Iraq and the Mosul region and a couple of other provinces there. That was around March 22, in that period of time. By mid to late May, General Petraeus had held an election in Mosul. That's 2003. They elected a governor, a vice governor, and I met with them and also a business representative in Mosul.

He promoted very effectively liberty and freedom and a version of democracy there that could be carried out in that country. And I asked him, How did you have an election? How did you know how to do that? He said, We didn't know how. We just knew we needed to have one. We needed to have local representatives that we could deal with.

It was interesting that General Petraeus set the governor and the vice governor at the head of the table. He sat on the side of the table to send the signal that the Iraqis were running the show even then, even within months of the time that they had been liberated.

Well, General Petraeus' speech last week laid out three steps along the way to success, and they were points that he made as he holed up at Fort Leavenworth there in Kansas, not that far from me, I would add. And he and others that he gave significant credit to wrote the COIN language, the counterinsurgency booklet that was so well published and distributed across the country. Over a million copies have been distributed, and I've read fair parts of it.

But he laid out this point that first you've got to get the big things right. You've got to articulate the mission. You've got to plan the mission. The mission's got to be right. It's got to be understood. You have to get the big things right. Then you've got to market it and sell it to the people who have to carry it out. That's step number two. Step number three is see to it that the mission is carried out, right down to the details.

But first, you've got to define the mission, and then you have to market the mission to the people who are going to carry it out, and then you have to follow up to make sure that the mission is carried out down to the details.

Well, the mission that we have in border security and immigration enforcement in America is not clearly articulated. Congress can pass legislation, which we did in the Secure Fence Act that establishes that we're going to build 854 miles of double fencing, in some cases triple fencing, and that the Secretary of Homeland Security had to certify when they had operational control of the border. Operational control of the border. And there's a good definition in the Secure Fence Act that defines "operational control of the border."

But it suffered an amendment to it over in the Senate that weakened the Secure Fence Act that was DUNCAN HUNTER's major effort here in the House of Representatives. The definition of "operational control of the border" was reduced and subverted. And the result was that the mission that Congress laid out for the border protection personnel altogether was ill defined because of the squabbles from within.

So we weren't able to get the big thing right, the first thing right. We were not able, as a Congress, to define the mission. Even though we tried and we voted on it here in the House and we passed a very clear mission, but it was subverted over in the Senate, and it's been undermined by some of the people on the border.

And the effort to require that before you could build a fence you have to negotiate with the local political subdivisions and local people, and that local

includes the people on the south side of the border? I don't think there's any merit to going to Mexico and asking them if we can protect our border. That's just an added mission that undermines the mission.

So what we have are custom border protection personnel, border patrol agents, ICE agents, others along the border, including our National Parks personnel that are swimming upstream against a high tide of illegal people and drugs pouring through there. Maybe they understand the mission, but they do not believe, nor do they have the confidence, that the higher-ups will support them.

And so they are out there every day, punch the clock, do their shift, do what they can do, plug the hole here, plug the hole there. But there isn't anyone in this administration from the White House on down that has defined how we actually accomplish this mission of controlling our borders and shutting off illegal immigration in America.

Now, I don't think it happens to be all that complicated, Mr. Speaker. I think you have to have the will.

And so the first thing to do is shut off the bleeding at the border. And as Congressman PHIL GINGREY from Georgia so articulately said, and I'm confident he's worked—he's a doctor. I'm confident he's worked in the emergency room. He said, when somebody comes in that's a victim of an accident and they wheel him in on the gurney and they're bleeding all over the place and they're bleeding all over the floor and bleeding from several places in their body, he said the first thing that you don't do is grab the mop and the bucket and start to clean up the mess. The first thing you do is stop the bleeding. Get the patient stabilized and get it under control. And once you get it stabilized, then you can worry about cleaning up the mess. Well, we have a lot of discussion about what to do about cleaning up the mess, and we don't have a lot of discussion about what to do to stop the bleeding.

So here are the places where the bleeding exists so we can do something to stop it. First on the border is this. We have had—and I don't know that I have confidence in the numbers in the last—during this administration. They're telling me that they have fewer interdictions at the border; therefore, that shows there are fewer border crossings. I suspect that if you just stopped enforcing the law you would have fewer interdictions on the border. They've never given me a real number of how many come across the border and how many are stopped in their attempt to cross the border.

But I do a lot of asking, and we do have testimony before the Immigration Subcommittee. We have numbers such as this, that we have as many as 4 million illegal border crossing attempts a year, as many as 4 million. Now, some of those could be people trying more than once. In fact, I know it is.

And when I asked the Border Patrol what percentage of those attempts are

you able to stop? On the record, they'll say, We think about 25 percent. But when I go down to the border and I ask those who are engaged in this on a daily basis what percentage do you stop, they will look at me. And I'll say, 25 percent? They'll look at each other and laugh and they'll snicker and they will say—the most common number I get is it's more like 10 percent that we stop on their way across the border. And some will tell me it's 3 to 4 percent, but I've never had anyone tell me in private that they think they stop 25 percent or 20 or 15. I can't think of a number above 10 percent, but I can think that the number that I most often hear is 10 percent.

So if we have 4 million illegal border crossings a year and we stop 10 percent of that, that's not a very big number, Mr. Speaker. And it's not very good efficiency on what we need to be doing down there on the border.

We need to look at this from this standpoint: What would you do to stop the bleeding? Number one thing, shut the border off. It's not that hard to figure out. Why can't we do that? Someone said it's only 2,000 miles, as if that's a vast, undefendable territory, and it's not. Look at the territory that we're defending in places like Iraq and in Afghanistan, for example. A lot of that border is really easy to defend.

□ 2145

It's not very difficult terrain. It's wide open desert on both sides where you can see a long ways. And we are spending \$12 billion on the southern border every year to protect it. That works out to be, a 2,000-mile border, \$6 million a mile. That's when you add up the cost of the Border Patrol, customs and border protection, the Humvees and the pensions and the payroll and all the fuel and the gas and everything that goes into this, and a support network of helicopters, et cetera, it adds up to around \$12 billion, and that's \$6 million a mile.

Now I don't know the most current numbers that we've had on what it takes to build an interstate highway or a four-lane highway, but it's not \$6 million a mile. The cost to defend the southern border, and I think it's probably less than half of that price, Mr. Speaker, at least in some of those older numbers that I've looked at, but for the cost of what we're spending to defend the southern border, we could pave a four-lane highway for 2,000 miles a year every year. This is every year. \$6 million a mile.

Now I ask myself, if Janet Napolitano came to me and said, Congressman KING, I want to contract this border control with you, and I'd like to give you a mile to start out. And it's just a mile that looks like the gravel road from my house west that nobody lives on for a mile, or it's a mile of open desert, and I'm going to give you \$6 million to see to it that nobody crosses that mile for a year. Now on second thought, since the government

does these budgets over a 10-year period of time, give me a 10-year contract to guard a mile of border and give me \$60 million to watch that border for 10 years, a mile of it.

Mr. Speaker, I will submit, \$60 million would be more than adequate to seal that border up so nobody got across my mile. I would guarantee it. I'd bond it. I'd be willing to watch you dock my pay if anybody got across and got away. And if I'm in the private-sector business industry, I'm not going to create this huge enterprise of hiring people and putting Humvees underneath them and all of the trappings that go along with that. Yes, you need some. We need some boots on the ground. We need to protect and defend them and give them good equipment. And we know that their lives are on the line every day. And we've got to respect them and appreciate them and pray for them. But, Mr. Speaker, building empire with boots on the ground isn't the only way to solve this problem. In fact I will submit it's not the most cost effective way. The most cost effective way would be to do what a businessman would do. If Janet Napolitano handed me \$60 million and said, Guard that mile for 10 years, you can bet that I would put up, not just a fence; I would build a concrete wall. And I would put some wire on top of that wall, and I would have a road, and I'd have a wire fence behind that road, and I would have cameras and monitors and vibration-sensing devices. I would have all of the electronics necessary to send me signals if anybody came and tried to get over, under, around, or through that wall. And so would anybody else that would do a cash flow calculation on how best to defend the border. Well, anybody except Boeing, for example, who spent a lot of money down there, a lot of money convincing this Congress that they should accept a virtual fence and that virtual fence so far has been a bust. And as much as I appreciate and respect Boeing when it comes to airplanes and tankers, the job down there on the border, they've got some making up to do. We would have been better off if we had spent a couple million dollars a mile to build the concrete wall that I designed and put the wire on top of there and build the sensory devices and build a road behind that and then put a fence in there so that there would be a zone that if you got over the concrete wall, you took some other equipment to get over the fence that's there, and we could defend it. We could patrol it. That's what we needed to do. For a couple of million dollars a mile, we could set that system up. And that leaves \$4 million a year left over.

Now it doesn't mean that I'm going to be able to do all that without hiring people and paying wages to guard that mile, but let's just say we spent \$2 million a mile to put in a wall and a fence and a road and some sensory devices. That still leaves \$4 million left over for that year to hire some help, buy a few

Humvees, get some radios, some uniforms, some pension plans, all these things that go into it.

So I will submit that it's cash flows, Mr. Speaker, to build a wall, build a fence, because it reduces the number of personnel necessary, and it's far more effective. It is far more effective from a cash flow standpoint, from an American taxpayer dollar invested standpoint, to put the infrastructure in place, to maintain the infrastructure.

And we had the Corps of Engineers come out with some wild number that it would cost something like \$50 billion to maintain the fencing on the southern border. It was a ridiculous number. And there were no numbers to back that up, no numbers to support it. It was a wild number that they pulled out of the sky. I build things. We do Corps of Engineers work. Well, I have in the past. I am now out of that construction business. But I designed a concrete wall that one could put the footing in with the slip form and drop in precast panels and put the wire on top, lay the sensors in there and build that thing, and it wouldn't take us much to put together a crew that could build a mile of that a day.

Now that would be not the kind of all-hands-on-deck effort that you see in, oh, a Manhattan Project or a NASA project, or even the kind of effort that they're using to put out the leak in the gulf right now. This is just a little old construction company that would set the system up and toss those panels in, set them in with a crane, one after the other right on down the border. It's not that hard. And it's not that expensive. And it is very effective. And it lets the Border Patrol concentrate on those areas where they would be going through and going under and going around. And it would reduce that traffic dramatically, especially concrete, because you don't cut through that with a torch or a hacksaw; you have to have a concrete saw. And I don't know one that doesn't make noise or vibration, so we would have those kind of sensors that are there.

And to those people that will argue that if you show me a 20-foot wall, I'll show you a 21-foot ladder—oh, I think it was perhaps Janet Napolitano that said, if you show me a 12-foot wall, I'll show you a 13-foot ladder, that has got to be the weakest, most specious argument I've ever heard. I've heard people on both sides of the aisle that will make that argument.

And so I asked the question of the chief of the Border Patrol at a hearing at Ellis Island a few years ago; that if we can build an impermeable barrier from heaven all the way down to hell that no one could go under, no one could go over, and no one could get through it, how many Border Patrol does it take to man that impermeable barrier for our southern border? The answer that I got back was, It still takes boots on the ground. In fact, it still takes more boots on the ground, because that's the argument.

Well, I want enough boots on the ground. I want enough Border Patrol. I'm ready to put the National Guard down there again and guard that border. I'm ready to turn that southern desert into a training ground for Afghanistan and Iraq. We should have done that a long time ago. That all makes sense to me.

But if you follow what I've said, an impermeable barrier all the way from heaven to hell—that you couldn't dig under and you couldn't go over the top—the full length of 2,000 miles on our southern border, how many people does it take to watch that? I know. It's hypothetical and it's theoretical, but the answer within those parameters, Mr. Speaker, is zero. It takes nobody to watch the impermeable barrier that they can't go under and they can't go over. That means it takes zero personnel to watch something like that. That's the hypothetical answer that needs to come.

Now we know we don't have that kind of a barrier. We know we can't build that kind of a barrier. But my point that I'm making for those who would willfully deny the utter logic of this is that the better the barrier, the fewer the personnel. And I don't argue that we have to build 2,000 miles of border fence and control. We just build it where they are crossing the most and we keep building it, building the length of it, until they stop going around the end. If that's 2,000 miles, then it's 2,000 miles. If it's 854 miles as described by the Secure Fence Act, then it's 854. But that kind of barrier makes the personnel we have more effective; it allows us to get control of our border. It can force all traffic through our ports of entry, and that's what we've got to do. And we've got to beef up our ports of entry, beef up our surveillance and our technology at our ports of entry so that we can catch those drugs and the illegal people and the contraband that's going through those ports of entry. That's part of our job. We can do that.

Now under this plan that I've laid out, with the money we have, we could easily build all of the barriers on the border that we deem are appropriate and effective and useful and we should and must do that, and we still have money left over for the personnel that we have, and we'll be more effective in what we do. We can shut off the bleeding at the border.

The next thing that needs to happen, Mr. Speaker, is we've got to then shut off the jobs magnet. And some of that can be done at the same time. There's no reason we can't do it simultaneously. This effort on the part of the Obama administration to steer away from enforcing against illegal workers but go against the actual employers without bringing the illegal workers into this—when I say that the raids in Postville were inappropriate, unjust, maybe they'll argue that they're racially motivated. I'm out of patience with people that play the race card the

first time. You can deal them out a deck, and out of 52 cards, somehow they will lead with the race card every time as if the race card is trump. Well, the rule of law has got to be trump, and the rule of law is justice is blind. Justice is blind and does not regard race as a factor. The Arizona law prohibits the utilization of race as a sole factor when it comes to evaluating reasonable suspicion. And these officers know what reasonable suspicion is.

I happen to have written the reasonable suspicion law in Iowa with regard to workplace drug testing. It's very similar to the Arizona statute and the definition that they are utilizing, which is Federal case law on reasonable suspicion. And in 12 years in Iowa, even though we're not using law enforcement officers to define a reasonable suspicion, what we're doing is asking the employer to designate an employee—the employer himself or herself or an employee—as their specialist in drug abuse in the workplace. And if they see behaviors that are erratic, that are indicators of drug abuse—maybe the look of their eyes, their pupils, the dilation of the pupils, maybe erratic work habits, showing up late, production going down, things of that nature, let alone accidents where people can get hurt or killed—they just simply say to that employee, I have a reasonable suspicion that you're using drugs, and you need to go into the nurse's office or downtown to the clinic right now and provide a urinalysis, and we will test it and find out if you're abusing drugs.

In 12 years, we haven't had a constitutional issue, we haven't had any litigation, I haven't heard a complaint about one person being unjustly targeted under reasonable suspicion for race or any other cause. Or even because of personalities. And you have to know, Mr. Speaker, that even in Iowa there are companies where that personnel who manages the "reasonable suspicion" definition, whose job it is under Human Resources to do that evaluation and make the call, that individual, yes, they're trained, but surely we would have one that would be a racist like all of these cops in Arizona have been described to be, by the people who oppose this Arizona immigration law. Surely there would be one that would have a personality disagreement with an employee, and they would like to get even with them by making them go take a drug test at will. But none of those objections have been raised.

□ 2200

So it's hard for me to accept the idea that trained law enforcement officers—it might be the janitor or the nurse or the truck driver that's pointing his finger at an employee and saying, You go take a drug test. That's what's going on in Iowa without complaints or objections. In Arizona, these are trained law enforcement officers whose training is being focused because of an executive order of Governor Jan Brewer,

and they are very sensitive to these issues. They understand this law, and they're going to understand it even more before it goes into effect in August. A lot of them are Hispanic themselves. And to presume that law enforcement officers are racist and racially motivated is a division among the American people that's caused and perpetrated by people who would sow seeds of discontent and distrust and untruth and dishonesty for political gain. That, Mr. Speaker, is what's going on in Arizona.

The law that they passed in Arizona is a law that mirrors Federal immigration law. It directs local law enforcement to enforce immigration law, and it also allows the citizens of Arizona—it gives them standing to sue if the local government is not enforcing immigration law to the standards defined.

Now, I understand that law enforcement thinks they're in a squeeze, that they might be sued because they will be accused of discriminating; and on the other hand, they might be sued because they didn't discriminate. That might be what we've already heard down there. But it's my experience that when you bring a law like this—and I've had that experience happen to me at least two times in other circumstances. One is the drug testing law that brought out people that were aggressively opposed to it and accused that it would be setting things up for discrimination based on personalities, race or any other reason.

And then when we passed the official English law in Iowa that took 6 years to get there—finally it became law—there were a lot of objections from some of the more liberal members of the Latino community. I sat with them, and I listened to their voices over and over again. But of all the fears that they voiced over all of those months and years, there hasn't been a single report that's come back since then that anybody was disparaged or discriminated against because someone said to them, Well, English is the official language of the State of Iowa.

And so these fears didn't come to fruition there. The same kinds of arguments that were made in Iowa as are being made in Arizona today on their immigration law, the same kinds of arguments over the official language of English, the same kinds of arguments that were being made in Iowa over the reasonable suspicion language on Iowa's drug testing law, none of those fears came to fruition under official English or under the drug testing reasonable suspicion in Iowa.

And I can't stand here tonight, Mr. Speaker, and allege that any of those fears will come to fruition in the State of Arizona, but I can with great confidence predict that there will be far, far less going on that reflects the fears of the objectors of the Arizona immigration law than are predicted by the people that are demonstrating in the streets.

I think that my friend and former colleague, Tom Tancredo, got it right

when he said, You can judge their fear of the effectiveness of a law by the level of hysteria that they demonstrate. They're not demonstrating against an injustice or something that is really unconstitutional. They're demonstrating because they're afraid the law's going to work, that it will be enforced, and it will actually be effective, and it will clean up a lot of the illegal immigration in Arizona, the 460,000 that they say are there, and I suspect it's significantly more than that.

And when you have across this country some of the cities that decide they want to boycott Arizona because Arizona said we want to help the Federal Government enforce immigration law, that's a reason not to buy something from Arizona? That's a reason not to go down there for a convention? I think, Mr. Speaker, it's a reason to go. I think we ought to get together and take a bus and go to Arizona and spend some money. Don't have a boycott—have a buycott. I might go down there and pick up some items from Arizona and bring them home just to express to the Arizonans my solidarity and appreciation to them for stepping up to enforce a law that the American people support, this Congress has passed, it's on the books, that President Obama took an oath of office to uphold and still willfully refuses to do so through his subordinates, such as Janet Napolitano.

And I might also point out, Mr. Speaker, that tomorrow Attorney General Eric Holder comes before the House Judiciary Committee. And as he comes before the Judiciary Committee, there will be a whole series of discussions and questions that will be brought out, I am confident. Eric Holder took a look at the Arizona law, and I think was responding to a direction from the President of the United States to see if he could find anything unconstitutional about the Arizona immigration law or something that was unlawful about the Arizona immigration law. So that tells me that they didn't know the Constitution very well, and they probably thought there was something in there that made all immigration law the exclusive jurisdiction of the Federal Government. Well, that's not true. It does say in the Constitution that it's the Federal Government's job to protect us from invasion, and it also says in the Constitution it's the Federal Government's job to set a uniform practice of naturalization.

Now, you can tell that I drew a bit of a hesitant blank there. But let me see, article I, section 8 says "establish a uniform Rule of Naturalization." So that would be what it says in the Constitution, Mr. Speaker. Those are the two references that we have to immigration in the Constitution, but it doesn't make immigration law exclusive to the United States Constitution and the Federal Government. There's nothing in the Constitution that excludes the States from enforcing Fed-

eral immigration law or writing their own. It just can't supersede Federal law.

And there's a case that is U.S. v. Santana-Garcia that establishes the precedent that it is implicit that local government law enforcement has the authority to enforce immigration law in the United States. It's implicit in that decision U.S. Government v. Santana-Garcia. Santana-Garcia was that side of the case, up against the United States Government.

So anybody that puts on a gun and a badge and a uniform and provides for the safety and the security of the American people and has pledged to preserve and protect the Constitution of the United States ought to know that when you take an oath to uphold the Constitution of the United States, that means also the laws that are written within the parameters of that Constitution. It's implicit. When we take an oath here to this job as a Member of the United States Congress, preserve, protect and defend the Constitution of the United States, as the President does—so help him God—it doesn't mean his interpretation of the Constitution as he sees it. It's not a growing, moving, changing document, as Elena Kagan believes. It's a document that is firm, and it's fixed, and it's rigid. And it's the text of what it says and what it was understood to mean at the time of ratification of either the broader document, the base document of the Constitution, and also the amendments as they were ratified.

The local law enforcement still has a responsibility to step up and help enforce immigration law. It isn't a hands-off thing. They don't sit there and look around and think, Well, let me see, the State Bank of Tucson was robbed, and I'm a State highway patrol officer. So I will chase down the bandits who robbed the State Bank of Tucson because that's my job. But, oh, I pulled him over, and I was wrong. It was a mistake. I didn't even have reasonable suspicion. They actually robbed the National Bank of Tucson. No jurisdiction here. I have to let them go. Let the Federal officers go collect those robbers who robbed the National Bank, but the State Bank, of course, might be their jurisdiction.

And then the city police officers, what do they do? Do they refuse to enforce speeding laws that are not perhaps the city ordinance? Does the county sheriff only serve papers and refuse to enforce the ordinances of the city when they're blatantly violated in front of them? No and no. Our law enforcement officers in this country have always cooperated with each other throughout the levels of law enforcement to the extent that they can do that in order to produce an effective enforcement of the law. That is how it has been. That is how it shall be. That's how it shall be in Arizona.

Sheriff Joe Arpaio of Maricopa County has been enforcing those laws for a long time now, and he's taken the heat

from Eric Holder, and that I think implicitly comes from President Obama. And Janet Napolitano, who knows him well, made remarks that would imply that she had come to a conclusion that there were biased violations of people's civil rights under the enforcement of Sheriff Joe Arpaio. There is no basis for it, but they stirred up enough furor that a few of the American people began to believe that there was a basis for it. I went down and took a look at Tent City down in Phoenix. And if I remember my numbers correctly—and this is from memory, not from notes, Mr. Speaker, so it's subject to correction—but about one-third of the inmates in Tent City were there because they were illegal, and about two-thirds of them were there for other reasons. A peaceful group of people. They're there in striped uniforms, and they do get some pink underwear. It's not the nicest place, and it doesn't need to be the nicest place. We don't want to advertise it as a place to come back to. It's a place to leave and not come back to. That's why we have jails.

But this situation in Arizona, we've got to stand with them. I stand with Governor Brewer. I stand also with Representative Pearce in Arizona for the work that he has done. And he is very, very articulate in stepping up to defend immigration law. I encourage and look forward to making a new effort to establish a new fence and barrier on the border, one that works out to be a cash flow.

And I also look forward to moving legislation in the aftermath of this November election that adopts the New IDEA Act. The New IDEA Act is the legislation that I have introduced in the last couple of cycles, and there aren't very many new ideas under the sun. It takes a little audacity to declare a bill a new idea, but I think it is a new idea.

□ 2210

But I think it is a New IDEA. And New IDEA stands for the New Illegal Deduction Elimination Act; New IDEA.

What it does is it recognizes that there are agencies out there that are pretty aggressive in enforcing their turf. I have noticed that the IRS is pretty aggressive in enforcing their turf, the Internal Revenue Service. So I asked myself, of all of these agencies, which one would be the most aggressive. It comes back to me that the IRS would be useful people. It is like when you go to have a pickup game and you start choosing up sides. I look across here and I think, Who do I want on my team if I want to get something done? If I am going to have to defend the border, give me the military first. They will get the job done. I don't want to get into the argument about the Army, Navy, Air Force, Marines, or Coast Guard. They all get the job done. So if I were to chose, I would say first give me the military. Let us go to the border and let's seal the border with the military. They will get the job done.

Then I would look around at who else would I like to pick for my team. Of all the government agencies, if I want somebody to help me enforce immigration law, would I pick somebody from the EPA? No. They would stand in the way. Would I pick somebody from the USDA? No, not likely. But of all of those agencies, maybe somebody from the Department of Homeland Security. Yes, but at the top they are not given a very defined mission. It looks as though their mission is being subverted by the Secretary, Janet Napolitano. So I would pick the IRS for my team because they are effective. They are good at doing what they do.

Here is how I would bring the IRS into this effort to help control immigration law. This legislation, the New IDEA Act clarifies and establishes the wages and benefits paid to illegals are not tax deductible for income tax purposes.

And so let's just say you have an employer that has been paying a million dollars a year out to a good number of employees at a rate of \$10 an hour. That million dollars a year is tax deductible because it is a business expense like electricity, heat, fuel, or merchandise that is purchased for resale. All of those things are business expenses. New IDEA clarifies that the wages and benefits paid are not tax deductible. So the IRS would come in, and during the course of their normal audit, they would take the list of employees, punch the Social Security numbers of those employees into the E-Verify database, and if it comes back that they are not lawful to work in the United States, the IRS would take those wages and say, Sorry, employer, this million dollars is not tax deductible for you.

So it goes from the expense side, pushed over into the column that makes profit. If you calculate that profit, at the time I did this, it was 34 percent corporate income tax rate, and you add the interest and penalty, the effect of that million dollars denied as a tax deduction becomes an addition of about \$6 an hour. So your \$10 an hour illegal becomes a \$16 an hour illegal because of the audit of the IRS. And, by the way, it is required to grant safe harbor to an employer who uses E-Verify in a legitimate, reliable way. So we give the employer safe harbor if he uses E-Verify. We give the IRS the authority to deny that deductibility if they are not able to work lawfully in the United States. And we put interest and penalty on there as well as the tax liability. Your \$10 an hour illegal becomes a \$16 an hour illegal. And what will happen all across this country is 8 million illegals will be looking for work, and there will be 8 million jobs that will open up for American workers, lawfully present people who can work in America with a green card or American workers.

That solves about half of our unemployment problem right there, and it legitimizes the employers and gives

them something they can count on. There are some things that need to be cleaned up with that, in addition, Mr. Speaker.

Another one is E-Verify must be changed so employers can use it on legacy employees, that means current employees, and also use E-Verify with a bona fide job offer, rather than the law right now requires the employer to hire the worker and then find out whether they are legal or not. By that time, the employer has invested training in them and they have passed up somebody else to fill that job. So they will have somebody there for perhaps a week, they will have to pay them, and so the employer ultimately has to break the law to find out if they are breaking the law. They need to be able to use E-Verify with a bona fide job offer. They need to be able to use E-Verify to verify those legacy employees that work for them now, their current employees.

We can do all this. We can seal the border with a concrete wall and a secondary and a tertiary fence where it matters. We can put sensory devices there. We can build a road to patrol it. We can put cameras up and monitor it. We can man it effectively; in fact, more effectively with fewer personnel than we have if we build the barrier. We need to shut off the jobs magnet in the interior. We can do that by enforcing current law and by passing E-Verify to establish that the IRS is part of a team member that would be required to cooperate with the Social Security Administration and with the Department of Homeland Security. So the right hand, left hand, and middle hand all knew what the other was doing.

It is pretty simple to solve this problem. It has been solved in 60 minutes, Mr. Speaker, and if anybody has any questions, they can easily visit my Web site, Steveking.com, where I will be happy to answer any questions that might come up.

Meanwhile, I appreciate your attention on this subject matter, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON LEE of Texas (at the request of Mr. HOYER) for today on account of an emergency.

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 Ms. SUTTON) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Ms. KOSMAS, for 5 minutes, today.

Ms. KILROY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. JOHNSON, for 5 minutes, today.