

might be next, the American people are sick and tired of us playing games up here. We have concrete solutions on the table that will create real jobs in the construction sector, the manufacturing sector, and the agriculture and forestry sectors. These are things we can still do and do better than anyone in the world, but we are being choked off by the kinds of games being played in Washington and on Wall Street. It is long past time for people in this town to understand the urgency of this job crisis for working-class and middle-class Americans who not only live in fear of losing that job but are getting nicked and dined by the credit card companies, the electric utilities and others as they try to make ends meet day after day, week after week.

We have to be bold right now in rethinking America's competitive advantage. There is no quick fix. We must in the immediate term not miss the summer construction season. I see too many trucks parked in the driveways, in the parking lots of our construction companies at a time that we need to be rebuilding. Not overbuilding in some of the housing and speculative areas that helped get us into this mess, but building in the areas that reinvent and reinforce America's competitive advantage. Whether that's on the high-end R&D and intellectual property of those areas or whether it's old-fashioned infrastructure, these are areas that mean real business for real working families. Part of how we do that is by putting a solutions-oriented approach over a slogans-oriented approach, and the way we do that is to come together.

In this town, too often bipartisanship means cutting a good idea into half to the point that it means nothing at all, or simply adding one side's support to the other side's support. What Americans want is post-partisanship. They want us to answer the question, What solves the problem, and not, What is the halfway point between the Democrats and the Republicans? Start with the question, What solves America's energy independence? What rebuilds America's middle class? What makes sure that we have basic stability in our financial institutions so that people who have worked their whole lives, saving up money in the value of their home, in their 401(k), know that someone isn't off gambling with that money in ways that are unthinkable and unimaginable.

There is 25 percent unemployment in our skilled construction. Americans are ready to build. They are ready to go to work rebuilding, whether that's housing or infrastructure or building stock, whether it's renovating, whether it's manufacturing here in America the materials that go into that. We need to put that sense, the urgency of the American economy first. We need to remember that small business is the engine. We need to understand that our community banks played by the rules through this crisis, stayed solvent, and still continue to get that lending out

to so many of those in our communities.

I look forward to continuing to fight for a jobs agenda and an agenda of decency and accountability. I hope that those in the Senate on the other side of this building will complete a solid reform in the financial sector and turn to these jobs bills we've produced. There are five, six of them now, pragmatic, often private-public partnerships to reward innovation, to get us building again, to get the lending going through our community banks again, through a smart combination of investments and tax credits. I hope the Senate will turn to that and understand that back home, people are desperate for jobs, for economic security, for growth and that they will get some taste of that urgency and move from restoring those basic rules of decency and accountability to Washington and Wall Street and get these jobs bills passed so that we can get America working again, rebuilding America's competitive advantage again, and that is a fight I look forward to.

ISSUES OF THE TIMES

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 here on the floor of the United States House of Representatives and have the opportunity to address you and hopefully illuminate some of these arguments that come before the American people, that come before this Congress and that reflect down that hallway to the United States Senate. And, Mr. Speaker, I long heard from over on this side in the 30-Something group that for years—actually they went from their thirties to their forties—stood over here, two, three, four, sometimes five or more, and they would make the argument that, if we would just give them the gavels, everything would be all right with the world; that if we would just let them be in the majority, they could fix the problems of America and the world. And they constantly harangued against the Republican majority that existed until the end of 2006, constantly promised that they would fix all the problems that we have, and constantly attacked then the President of the United States.

It's so interesting to me, Mr. Speaker, to have watched the transformation over the last 3-plus years, 3½ years now; and we are almost halfway through and probably, by business days, more than halfway through this Congress and on to the next election in November here of 2010. It's pretty interesting to me, Mr. Speaker, that the people who made all those promises about what was wrong with the world had to do with George Bush and the Republican majority, that were going to fix the problems, now I haven't heard any of them step forward and say, You

gave us the gavels. The American people trusted us with the majority—they, not me—and by golly, we've fixed these problems for America. Look how great it is, now that the people who clamored for the gavels were handed the gavels on January 3, 2007, some almost 3½ years ago.

The problems that they were going to fix seem to be worse, not better. The problems we had with our economy got a lot worse, not better. The problems we had with energy got a lot worse, not better. The problems that we have with this society and the understanding and human nature seem to be getting worse, not better. I haven't yet heard the 30-Something group, those that are left of them, come to the floor and do the mea culpa, nor have I heard them point out that they've succeeded in the policies that they said that they would enact. And, in fact, Mr. Speaker, if you look back on the record, it is the exact opposite.

□ 1900

This Pelosi Congress, when we came in by Constitution on January 3, 2007, there was a great ceremonial and factual passing of the gavel that went from the hand of JOHN BOEHNER to, at that moment, Speaker NANCY PELOSI. And we saw actually right in the aftermath of the election in November of 2006 when that majority was won by the Pelosi Democrats, we saw a shift in the policy of the country. We watched as the, let me say heir-apparent at the time became chairman of the Ways and Means Committee, Mr. CHARLIE RANGEL of New York, go on the talk circuits all over the country, national television, program after program after program, booked solid. And they asked him over and over again, which of the Bush tax cuts would you want to preserve and which would you want to provide that they go away? What will be the burden on capital, and how costly will capital be for business, especially big business, moving forward from that period of time after the election in 2006 and the inauguration, let me say the installation of Speaker PELOSI in January 2007, and that period of time after that as the new Chairs of the committees, their new staff and the new members of the committees were seated and they began to assert their will on American policy.

What I heard from the apparent and future Ways and Means Committee chairman, CHARLIE RANGEL, that he would repeal or work to repeal any of the Bush tax cuts, it simply was by a process of elimination. He was asked over and over again every way that the news pundits could ask him, what would you do with the Bush tax cuts, the May 28, 2003, Bush tax cuts. Because the answer wasn't definitive, but there was a process of elimination. The smart capital in the country concluded that there were none of the tax cuts that CHARLIE RANGEL would like to preserve.

That was in November, December, January, and partway into February of

2006 and early 2007. So what we saw was a dramatic drop in the investment, capital investment that took place into industry in America because capital is smart. It doesn't last very long if it is not. It understands that the cost of capital was going to get more expensive. The more expensive capital was going to be a burden on business, and the profit margin was going to go down if the tax cuts went up and if the tax burden went up. Increased tax burden raises the cost of capital, the profit margin goes down and capital doesn't seek that kind of an environment if it gets too far apart. That is what was going on.

In November and December of 2006 and January through February of 2007, industrial investment went down because the cost of capital went up and the prospects for profitability went down and that, Mr. Speaker, was the beginning of an economic decline that this country has faced and the globe has faced since that period of time.

Now, the people that stood here on the floor that as Chairs of committees that made these arguments at this microphone here and those microphones there over and over again argued that it was all George Bush's fault, and if they just had the gavel, things would be better. They didn't argue that they needed the Presidency, not at that time. They argued that they needed the majority in the House of Representatives where all spending must begin according to the Constitution.

Well, they achieved their goal, but they never accepted their responsibility for the effect of their actions or inactions. In the case of the Bush tax cuts, it was the inaction to extend the Bush tax cuts that became the culprit that was part of the downward spiral of this overall economy. The actions that came forward were massive spending.

It was also the disruption and the suspension of the deliberative process here in the United States Congress. For more than 200 years, this Congress has had a tradition of open rules in the appropriations process that would allow, Mr. Speaker, anyone, any Member of this Congress who has their own franchise, $\frac{1}{435}$ of the people of the United States of America, they are duty bound to represent their wills and their wishes, coupled with the principles they have presented to them prior to their election, duty bound. This Congress has for more than 200 years recognized that duty to allow Members of Congress to do their duty and offer amendments to perfect legislation, and particularly in appropriations, where we have had the long, centuries-old tradition of open rules that allows for any Member to bring an amendment down here when there is an appropriations bill that is being considered on the floor and offer that amendment into the RECORD.

And provided that part of the bill hasn't been passed in its deliberation, require that that amendment be de-

bated and can require by request of the Member a recorded vote on that line item that they may be addressing.

I did that more times than anyone else in this United States Congress in the appropriations process in 2007. It was, Mr. Speaker, the last legitimate process that this Congress has had in this legislative arena. The balance of it has been closed rules, modified closed rules, very much tightly held and constrained amendment process that shut down the debate here in this Congress and took away the franchise and the right of a Member who has been elected by their constituents.

And, by the way, the number of constituents that I represent, Mr. Speaker Pro Tempore, or the number of constituents that you represent, or the number of constituents that Speaker PELOSI represents are essentially the same. They don't deserve more representation because they live in San Francisco and NANCY PELOSI's district, or because they live in, let me say, Miami in somebody else's district, or because they live in Iowa in my district. Mr. Speaker, they deserve the same amount of representation. And every Member of Congress needs to be on equal standing and have that opportunity to offer those amendments and require this House to be accountable for the decisions that they make up there on that voting board. But it has been shut down.

Since the appropriation process of 2007, there has not been a legitimate process of debate and amendment that perfects legislation to take place since then. That is how badly this constitutional republic, that is how badly this deliberative process has been usurped by the iron fist of the Speaker. And the American people little know how badly that cripples our ability to reach out across this Nation and pull the best of the wisdom we have of 306 million people and incorporate it into our decisions. Because where I sit, I have input that comes from all over my district, smart people. Smart people that will give up a couple of days from their business and their work and they will reach into their pocket and they will buy a plane ticket here and back and a couple hotel rooms for the opportunity sometimes to sit down with my staff or some other Member's staff even for 15 minutes so they can make their argument. They deserve our more serious ear. They deserve our best effort and our best judgment. They deserve our respect.

But when this process is shut down to where the Speaker decides if an amendment is going to be heard if that pleases her, all of that wisdom, almost all of that wisdom is completely shut out and this process that was devised and determined by the Founding Fathers is suspended until we reach saner times, or maybe forever.

Lord only knows what happens to the majorities in this Congress. But I know this: this American Government cannot function at a high level of effi-

ciency, nor can it produce policy that is good for the people of the United States of America if it is going to have to go through the filter in the Speaker's office before it can be considered on the floor of the House of Representatives.

That would be, if it worked, if that rule applied to our speech outside of this Congress, it would be a violation of the First Amendment. This happens to fall under our rules a process so it circumvents the First Amendment rule and fortunately I and others can come to this floor and raise this subject and speak to it openly so the American people can understand what is taking place here in the House of Representatives on the floor when the people are being run out of the Rules Committee up on the third floor in the hole in the wall and we are watching partisan votes come through the committees here on the floor of the House that do not deliberate on the policy at all, but deliberate exclusively on the partisanship, which party are you with; therefore, that is how you vote, not an objective consideration of the policy.

But the 30-something Group and those that have come to this floor with them and after them made the argument that if they just had the gavels, all would be right with America. Well, we have seen unemployment rates go from 4.6 percent and less on up to 9.9 percent. We have watched that number of those who are underemployed, those who no longer fit the definition of unemployed, that number go from 5 or 6 or more million, added to the 15.4 million that are unemployed today. There are more than 20 million Americans that fit the definition of unemployment as the American people understand it. More than 20 million.

We have 8 million working illegals in America, and that is a minimum. And if the President of the United States directed Janet Napolitano, with a little assistance from Attorney General Eric Holder, to enforce immigration law, we could open up almost all of those 8 million jobs for the American people, and we could do so in a very short period of time. But there is no will on the part of this administration to enforce immigration law. There is no will. There is a will to pander to an ethnic group that they decide is going to be the future of the future majority of the Democrat Party.

And I watched with something significantly less than respect and with a high degree of cynicism as I watched them posture themselves about fairness and how we should provide amnesty and how we can't fix the immigration problem in America unless we first provide comprehensive amnesty.

And I listened to that argument under the Bush administration, and it didn't make any more sense then that it makes today to argue that we should grant people a path to citizenship because, after all, our law enforcement is being tied down by enforcing immigration law against people that are not

criminals, that have minor violations, and if you just required them to pay a fine and learn English and pay their back taxes, you could give them a path to citizenship and all would be right with the world.

Mr. Speaker, how does this fix anything? We have had in the past something like 4 million illegal border crossings on the southern border in a year. We encounter a single unique individual as many as 27 times down to the border by Arizona; 27 times, one individual. I have stood down there at the station at Nogales and watched as they bring them in after they picked them up for jumping the fence or coming across the border. I watched them come through. They know the drill. They have been stopped by a Border Patrol agent out in the field, and the Border Patrol agent just simply restrains them or, let me say, retains them, and along comes a private contractor with a van.

These people are wearing police-style uniforms in gray, and it is a white van with, let's say, reinforcement built in the side, containment for human beings, sliding door on a white van. The Border Patrol agent picks people up, calls the private contractor, they pull the van in, load them up and drive them over to a holding cell or on up to the station headquarters. They already know that they put their personal items in a Ziploc bag and they walk into the station often, many of them, with a smirk on their face.

They know right where to sit. They sit down against the wall with their little Ziploc bag of their possessions, and they know that they wait their turn. And they will be picked up and go over and have their fingerprints taken one at a time, get their digital photograph taken, now with a flash, and once that data is collected, they go into a holding pen until there is a van available to take them to the port of entry where they waltz out, get in the van, the doors close, the van goes to the port of entry back to Mexico, turns sideways, they open up the van door and the illegals that have been processed and fingerprinted and had their digital photograph taken, get out and they walk back to Mexico. The door closes on the van, the tires squeal, and the van goes back to get another load.

□ 1915

And we do this over and over again, for as many as 4 million people that come across our border, interdicting perhaps 20 to 25 percent of them that do so, realizing that with these 4 million people that pour across our border in a year—think of it, 4 million people. Santa Ana's army was about 4,000 that assaulted the Alamo. This is 4 million people a year, a huge haystack of humanity.

Now, think what it's like to make the argument that the Bush and Obama administration made, that if we would just legalize all these people, then we could focus on the bad elements that

are within them. Well, first of all, if you're going to legalize 4 million people or 4 million attempts, and maybe that's not 4 million unique people. If you're going to legalize all of them, how would you avoid legalizing the people that were the bad elements? This is a haystack of humanity, and in it are the needles that are the bad elements.

And so can you imagine, Mr. Speaker, sorting out, out of that haystack, the needles? So you'd approve a stack of hay, and in that may or may not be a needle. You grab another bundle of hay and you'd approve that and you would give them a path to citizenship. Then they would have a card that would give them the ability to go in and out of United States, stay in America, go to Mexico or wherever they want to go, and that card would let them travel. And we would have automatically anointed them to be acceptable to work in the United States, live in the United States, travel throughout the United States, and go back to their home country and come back in the United States.

Now, first, we don't have any indication that we could possibly do a background check to approve the people that would get a path to citizenship and get this amnesty. I have asked them, I've asked the people that come into the United States, that are living here—they may or may not have come in here legally—Can you produce a birth certificate from Mexico so we can do a background check?

Well, it turns out that those that are born in a hospital can generally produce a birth certificate. But about half of them are not born in hospitals and they cannot produce a birth certificate. That's just the fact.

So when I ask them, Can you get me a birth certificate, their response to me is, Yes, I can do that. What do you want it to say? How old should I be? Where should I have been born? What should the birth certificate say?

In other words, whatever kind of fraudulent document that is necessary to get them legalized in the United States, they'll produce that. And if they produce a fraudulent document, it's unlikely that it's going to have a paper trail of whatever laws they might have violated in a foreign country. So the very idea we could do a background check on them, it is an impossibility to do a background check on people that come from the foreign countries that we are talking about.

Now, we may be able to do a background check on them just off of the fingerprints that we probably already have on record at Nogales or wherever they came across the border, probably could do that background check on what they have done, potentially, to violate the laws in the United States, but that's a very small part of their human history. A larger part is in their home country that can't be traced because we can't trace them back to an individual identity.

So this argument that a huge haystack of humanity of 4 million strong can be legalized and we can focus on the needles in that haystack because they are the bad elements is simply a flawed premise. No one can present this to me in a rational fashion, how it gets easier if you legalize people; because the people that would be legalized, some would be, the percentage would be very similar to the negative elements that exist in that broader cross section of society anyway, unless you presume that the bad elements will not try to be legalized. Of course they will. They'll try to game the system.

So this huge haystack of humanity with the needles in it would be legalized, granted amnesty, handed cards that allowed them to travel anywhere in the United States and in and out of Mexico or their home country. So a people that would travel more across the border rather than less will cause us more problems rather than less. We have 90 percent of the illegal drugs in America come from or through Mexico. And Mexico is not accountable for all of it, but 90 percent come from or through Mexico.

And of that, all of the illegal drugs that are distributed in America, according to the Drug Enforcement Agency in the interviews that I have done with them, the illegal drug distribution chain has at least—every illegal drug distribution chain has at least one link in that chain that's provided by an illegal. So magically, if everyone that is in America woke up in their home country tomorrow morning, every illegal drug distribution chain in America would be severed, at least one link would be pulled out of that.

Now, I don't propose that that would mean that illegal drugs would stop flowing into America or stop flowing into the consumers in America. I would just say that it would be temporarily suspended, some for a few minutes or hours, some for weeks or longer. But it would be temporarily suspended.

Illegal drug smugglers are protected by the flow of illegal humanity. Even if they are good people, they want a job. They want to take care of their family. They inadvertently provide cover for those who come in here for evil purposes, drug smuggling, people smuggling and worse.

And we've watched as Phoenix has become the second highest kidnap city in the world, second highest in the world. Highest, Mexico City. Why is Mexico City the highest? Kidnapping is part of the criminal culture in Mexico City. Why is Phoenix the second highest? I will suggest, Mr. Speaker, that the kidnapping culture that exists in Mexico City is being transferred into Arizona and into Phoenix, at least to some degree, causing that major kidnapping problem that is in Phoenix.

And so 90 percent of the illegal drugs coming into America come from or through Mexico. And Phoenix has become the second highest kidnap center in the world, partly because of the drug

smuggling trade, the people smuggling trade, the profit margins that are there.

And in deference to President Calderon, who is in this city, I think, right now as we speak, I do reject the criticism that he has provided for the State of Arizona for passing their own immigration legislation. But I also will concede his argument that there's a powerful magnet here in the United States, and that is the use and the purchase of illegal drugs, that the illegal drugs that are the magnet that really brings about the markets that cause the drug wars in South America, Central America, Mexico, coming into the United States.

If we could shut off this illegal drugs magnet—there's two magnets that need to be shut off in America. One is the jobs magnet that hires illegals and pours them into our economy, who work at substandard wages and then the taxpayers have to subsidize the subsistence for the families that should be sustained by the wages and the benefits. That's one thing that is a magnet that needs to be shut off, and there's ways we can do that, Mr. Speaker.

But the other is this huge magnet, which is the demand for illegal drugs in America, that sets up the production and the distribution chain and the drug cartels that are so utterly brutal, especially in Mexico, where I saw a number that I can't substantiate. I will just tell you, Mr. Speaker, that it was reported in the news that over the last several years in the drug wars in Mexico, they've had 23,000 people killed, 23,000. Now, that would be drug cartels killing members of other drug cartels. It would be local law enforcement officers. It would be intimidation attacks on families. It would be the military personnel that are engaged in this fight. But it is a very high amount of casualties that have taken place in Mexico to shut off the illegal drugs in that country.

And I understand the frustration of President Calderon that the United States is providing the magnet for the illegal drugs, and we are critical of them for the human smuggling, the drug smuggling, and the cash smuggling that comes out of the United States down into Mexico and places south.

Well, it's all right for us to be critical of what's going on in Mexico, but we have to acknowledge that the drug abuse problem in the United States is a big part of that. And if we could shut off the magnet of drug abuse in the United States and the magnet of employers who are seeking to hire substandard-wage workers in America, we could solve a lot of the border problems by doing that.

The rest of the border problems that can be solved will be solved by building a fence and a wall on the southern border. Now, this is not that hard to figure out, Mr. Speaker. We spend \$12 billion a year on the southern border when we add up the costs going into ICE, the

Border Patrol, Customs and Border Protection, all the equipment that they need, the benefits, wages, and pension plans that go along with that, and we used a corridor some 40 miles wide or so along the southern border. \$12 billion for a 2,000-mile border. That's \$6 million a mile, Mr. Speaker.

And I constantly hear the message that we have to have more and more boots on the ground, more boots on the ground. And so I suggested to the then-chief of the Border Patrol, if we could produce an impermeable barrier from heaven all the way down to hell so no one could go over the top, no one could go underneath, and they were completely impermeable, how many Border Patrol do we need to protect that border? And the answer that I got was, well, we still need more boots on the ground. Well, that wasn't expert testimony. That was the party line. If you have an impermeable barrier that no one can go over or under, you cannot argue that you need more boots on the ground, Mr. Speaker.

And I make this argument hypothetically because of this: Good solid barriers on the border cut down on the need for personnel, or they improve the effectiveness of the personnel that we have. That's the equation.

You can't envision that if you build a fence and you come inside of that 60 or 100 feet and you build a concrete wall that is 13½ feet high with a wire on top of it and a foundation underneath of it, and you come in behind that and you build another fence, and you've got roads on either side of that concrete wall, triple fencing with a concrete wall, wire on top, cameras, sensory devices that are there and agents that can patrol and come directly to the spots where there's activity and problems, you cannot convince me that you need more Border Patrol agents instead of less. You can't convince me that more people will cross the border if you don't have a fence—or, excuse me. You cannot convince me that more people will cross the border if you do have a fence than if you don't. Of course they're effective. And they're effective. We know they're effective. They're cash flow effective.

Six million dollars a mile, Mr. Speaker, is what we're spending today on open, vast areas of the border where there was only a concrete pylon established from horizon to horizon; \$6 million a mile. And who would not take a check for \$6 million to guard the border for a mile?

My west road, no one lives on it, a mile of gravel. If the Feds came to me and said, Steve, I've got for you \$6 million this year and every year for the next 10 years. I'll give you \$60 million to guard that mile from your house west. And by the way, I'm going to dock from that \$60 million every time somebody gets across that border illegally. And I'm going to require you to bond that so that the effectiveness, if you—that you will guarantee that you'll get the job done.

I would not as a, let me say, as an astute entrepreneur look at my west mile with no fences on it and hire myself 100 Border Patrol agents with Humvees and radios and put helicopters in the air and guard that border with hovering helicopters and Border Patrol agents that are sitting back 4 or 5 or 6 or 20 miles from that road and go catch them when they come across and get into my cornfield. No, Mr. Speaker, I'd build a fence and a wall, and I'd put sensory devices on that and I'd have cameras. And when somebody approached the wall and tried to get over, we'd know. We'd see it coming, and we would call our handful of Border Patrol agents there to address the problem. That's what needs to happen where there's high crossing rates over our southern border.

It defies common sense to believe that you can chase people around the desert cheaper than you can prevent them getting into the desert. And no one has put the cash to this and the cost to what's going on. I'm the only one I know of in the entire United States Congress, House and Senate, that can tell you \$12 billion on the southern border is the annual cost, \$120 billion for 10 years. That's how our budgets go, \$120 billion.

□ 1930

Six million dollars a mile, \$60 million a mile for 10 years. Sixty million. Think what you could build for every mile that you can imagine in your neighborhood, Mr. Speaker, over 10 years if you had \$60 million. This country would be so full of edifices of construction if we had \$60 million to invest for every mile.

We have got to have it be effective. And we have got to be smart about how we spend our money. And we have got to establish immigration policy that is good for the social, the economic, and the cultural well-being of the United States of America. And I pledged to do that.

I have introduced legislation which will do so, Mr. Speaker. It's called the New IDEA Act. New IDEA stands for the New Illegal Deduction Elimination Act. And what it does is it brings the Internal Revenue Service into the immigration enforcement arena, the IRS. The IRS seems to like to do their job from time to time. In fact, let's just say that they are good at it. I don't want to necessarily accuse them of liking it. And the effectiveness of the IRS is one of the reasons that I brought them into this mix when I introduced the legislation.

So the New IDEA Act stands for the New Illegal Deduction Elimination Act, Mr. Speaker. It clarifies that wages and benefits paid to illegals are not tax-deductible for income tax purposes. It provides for the IRS, during the course of a normal audit, to come into a company and run the Social Security numbers of the employees through a database. And that database would be the E-Verify database, which

has proven to be well more than 99 percent efficient and effective. And if those employees, one or more of them, cannot be verified to be lawful that they could work in the United States, the IRS then will give the employer an opportunity to cure that problem. But the bottom line is that they will deny the business expense of wages and benefits paid to illegals as a tax-deductible item.

So if an employer paid a million dollars in wages to a list of illegals and the E-Verify program could not verify that they could lawfully work in the United States, then the IRS would deny that business expense of a million dollars. It would go from the schedule C exemption side, the business expense side, over to the profit side of the ledger, in which case that all becomes a taxable profit event.

I did this at 34 percent corporate income tax, and that has gone up, but I did the math at 34 percent, and it turns out to be this. Your \$10 an hour illegal becomes a \$16 an hour illegal when you add the tax liability at 34 percent and the interest and the penalty that's assigned by the IRS.

So your \$16 an hour illegal is a pretty expensive ticket. And the million of dollars in wages that would have been paid that were deducted as a business expense now become an additional, well, let me say \$600,000 in costs to the employer. They will make a decision then not to take that risk and to hire an American worker or someone who is lawfully present in the United States that can work here.

I am all for that, Mr. Speaker. It is the right thing to do. Bring the IRS into this. Pass the New IDEA Act, the New Illegal Deduction Elimination Act, and let the IRS join with the Department of Homeland Security and the Social Security Administration to build a team so that the government is all on the same page, singing from the same page of the hymnal, so that the right hand, the left hand, and the middle hand all know what the other one is doing. That's the right thing to do here in America. That shuts down the jobs magnet. It doesn't shut it entirely off.

Some have suggested that we should pass legislation that makes it a felony to hire an illegal. Well, you know, we have document theft that goes on with those employees. And Janet Napolitano has taken a position she is not going to enforce even against document theft in the course of people that are working illegally. We can turn our pressure up against the employers and make it a felony, and we can lock them up in jail or give them massive fines. I suggest instead we provide the incentive so that all of the employers can be under that kind of scrutiny with a 6-year statute of limitations that's written into the bill that then allows for the IRS to go back 6 years.

Now, think how this works, Mr. Speaker. If you paid a million dollars in wages out to illegals in a year and the IRS came in and did the audit and

they took your \$10 an hour and it became \$16 an hour, and \$10 an hour equated into a million dollars, you would have \$600,000 in tax liability for that year. And the interest and the penalty that goes back actually accrues to a greater number, but let's just say it's level across the period of those 6 years. Now your \$600,000 in penalty to the employer that paid a million dollars in wages to illegals becomes \$3.6 million in liability to the IRS. Now, that is a powerful incentive to clean up your employee base to comply with the law, to do due diligence, and to hire people that can legally work in the United States of America.

This argument that we are in that we have to pass comprehensive immigration reform in order to solve our problems here is a false and specious argument. It doesn't hold up to any kind of logical scrutiny that I know. It's only out there because there is a political gain that is being sought on the other side. People that want to expand their political base and make a promise to different groups of people that they would be their benefactors.

And by the way, when I look at the pattern that is taking place between the Secretary of the Department of Homeland Security, Janet Napolitano, the President of the United States, the Attorney General, the Assistant Secretary of State Posner, this is an astonishing thing. The immigration law that was passed in Arizona mirrors Federal immigration law. It was designed to do that. The people that wrote it were smart people that understood Federal immigration law. They intentionally wrote it in such a way that it would not conflict with Federal law and would not be preempted by Federal law.

And here are some things that I know: That local law enforcement has always had the authority to enforce Federal immigration law. One of the ways that I have described that is, could you imagine local law enforcement arguing that they didn't have the authority to enforce another jurisdiction's law? Say for example if it was a county sheriff, can he sit out there and write speeding tickets on a State highway or does it have to be a county highway? If a county sheriff happens to see somebody run a stop sign in the city does he decide that, well, that's the town of Phoenix, but I am a Maricopa County sheriff, therefore I can't write a ticket for running a stop sign that is a city stop sign in Phoenix? Does a State trooper that watches a national bank be robbed not enforce that because they can only enforce the laws against robbing State banks, not national banks?

I mean how bizarre is it to believe that local law enforcement would have no business enforcing Federal immigration law? I would submit to the RECORD, Mr. Speaker, a case in 2001, a Federal district court that ruled in the case of the United States against Santana Garcia that established that

local law enforcement has an inherent right and responsibility to enforce Federal immigration law.

There are several other cases that are on point on this, but I know of none, I know of no cases that would argue that local law enforcement does not have the authority to enforce immigration law. Of course they do, just like they have the authority to enforce other Federal laws. Or for example, I believe it's a Federal violation to murder a Federal agent. I believe it's also a violation of every State law for first- or second-degree murder or manslaughter in the United States of America to murder that same Federal agent.

Now, who would argue that if the Federal Government didn't prosecute the murder of a Federal law enforcement agent that the State couldn't prosecute because it would be a preemption of Federal law? It is complete irrational baloney to believe that there is a preemption that prohibits the States from protecting themselves or ordering their societies.

So Arizona has written their immigration law that simply says, hey, it's against the law to be in Arizona illegally in violation of Federal immigration law. And they went to great pains to establish that there has to be probable cause in order for law enforcement to pull people over and inquire beyond that. Probable cause. So probable cause would be let's say a taillight out, a brake light out, a car that's speeding, a stop sign that's been run. How about a bank that's been robbed?

They chase all of those vehicles down, they approach the vehicle, they ask for a driver's license. If they are handed a matricula consular card, that's almost de facto proof—a person that carries one has no reason to have one in America if they are here legally. If they are here legally, they have got documents that they can use. So a matricula consular card would be probable cause—excuse me, that would be probable cause, but it would be a higher standard than the lower standard of reasonable suspicion. And that law enforcement officer then would get to ask a few more questions and determine if that individual was in the United States legally or illegally.

Now, if he suspects and comes to a conclusion that it's worthy of taking it to a higher level, he can call ICE and have them go through the process and take care of the situation. If the back of the van opens and 15 people start to run across the field, well, that's reasonable suspicion I would say, Mr. Speaker. But it's not targeting, it's not profiling, it's not prejudice.

And all of this fulmination about the profiling and the prejudice is a great big red herring designed to create this political argument that they think they have got some traction in.

And I, Mr. Speaker, have been through a number of these. It took 6 years to establish English as the official language in the State of Iowa. I

had the same discussions and the same debates take place over and over again. And they argued that if we establish English as the official language of Iowa there would be people all over the State that were disparaging other languages and the people that spoke it. And so in the bill we wrote that it's unlawful to disparage any language other than English.

So oddly, and I didn't accept this amendment willingly; it became part of the law nonetheless, oddly people can disparage English in the State of Iowa and no other language. Well, it never really applied. Never heard of a case where anybody was disparaging any language. And I suppose that there may be. I don't know if anybody actually is disparaging English itself either. But all of this hysteria that was being ramped up, it went on for months and in fact for years, and all of the allegations that it was going to destroy our society and it was a bitter pill, it was an insult to people, when the bill was passed and it became law, it went away. All of the worries that were there went away.

I also was principal author in the Iowa Senate side of Iowa's workplace drug testing law. And that law, among other provisions, allows for a drug test to be conducted on an employee provided there is reasonable suspicion that they are using those drugs. Now, reasonable suspicion is credible, objective, identifiable characteristics. It's pretty close, although it's not quite verbatim from the statute. It's been 12 years.

That gives you a bit of the idea, Mr. Speaker of the definition of reasonable suspicion. Objective, credible, identifiable characteristics. And as much noise as was made about that, that we were going to test people on reasonable suspicion, we were going to test them on random testing, we were going to test them post-accident, we were going to test them preemployment, we did all of that. We didn't ask law enforcement officers to go and be trained and come into the workforce and look around for people whose behavior was erratic or maybe their pupils were dilated, or people who were nervous or irritable or whatever it might be.

We just simply directed that the employer designate an employee who would be the one who could declare that there be a drug test on someone because of reasonable suspicion. And the standard that's written into the bill is that employee has to go through an initial 2 hours of training, 2 hours, and then each year refresh that training with a minimum of 1 hour of training. So that might be the truck driver, could be the nurse, could be the janitor, it could be the CEO. Actually, if it's a small business, it could be about all those things wrapped up in one person.

But these are not people that are necessarily trained by their profession to identify a reasonable suspicion. They are just simply trained within their job to do so. And we for 12 years,

for 12 years we have had reasonable suspicion in Iowa applied by employees of companies who have received 2 hours of initial training for the first qualifier and then each year thereafter 1 hour of training.

□ 1945

And they have pointed their fingers at employees and said, I have reason to be suspicious that you are abusing drugs. You go and provide a urinalysis now because that single individual's judgment thinks so. Now, that would give an opportunity for people to be profiled, for them to be discriminated against, for a law to be abused in a broader way than it could possibly be done in the State of Arizona. And yet in 12 years, in Iowa under the reasonable suspicion law, we don't have a single case of any type of persecution or prejudice or profile that has emerged.

Now, it doesn't mean there aren't some people who have not complained along the way. But I know of none. I've not had a complaint come back to me. There's not been a case that's been filed. The language for reasonable suspicion in Iowa that's granted to someone with 2 hours of initial training and 1 hour of annual training after that, it doesn't necessarily have a specific background required, has worked beautifully. And hundreds of companies now provide a drug-free workplace because they have the tools to work with.

And why would we think that an immigration law that applies in Arizona right now, if it's enforced by the Federal Government, somehow becomes a discriminatory law if it's enforced by local government? The very people that have to live with their neighbors and friends. The law enforcement officers that in Arizona are more likely to be Hispanic than the Federal officers that are enforcing immigration law. In some of the communities, that's true.

So why would we presume that law enforcement officers are inherently racist or bigoted or they would use their job to target people? I think this: I think the level of hysteria that exists in Arizona and across the country, especially with the boycotts that are out there, is proportional to the fear of the open-borders crowd, the whining liberals crowd, proportional to their fear that Arizona's immigration law will actually be effective. That's the answer to what's going on. They don't want to see a law passed that will be effective because they're for open borders, they're erasing the United States of America, they're for allowing people to flow back and forth at will. And, you know, you can't be a Nation if you don't have a border, and you can't call it a border if you don't defend the border.

And we are a Nation that has great respect for the rule of law. All of the people that come here to this country don't have any experience of respect for the rule of law. They don't understand that justice is blind here in America, or is supposed to be blind.

They don't understand that there is a provision of, I'll say, a statue of the Lady Justice who holds the scales in her hands and she's blindfolded because she's weighing this justice without being able to see who the person is that the justice is being provided for.

And so this immigration law in Arizona that the President of the United States played the race card on and played to, unnecessarily, to fears falsely and erroneously when he made the statement in a speech a few weeks ago that a mother and her daughter that didn't quite look the right part—and I've forgotten the exact language that he used—could be going out to get some ice cream and they could have somebody stop them and demand their papers.

Well, that's inconsistent with the law that I read. It is demagoguery, Mr. Speaker. It's inaccurate. It's willfully scaring the American people for political reasons.

And it fits right down the path of the President standing right back here and saying to the Supreme Court who sat here that they had unjustly decided a case before them and seeking to intimidate the judicial branch of government, in fact the Supreme Court of the United States.

And so if the President read the bill, he didn't understand it or he willfully misrepresented it. We know if we take his word under oath, and that was the Attorney General Eric Holder last week when he was asked by Congressman TED POE of Texas, did you read the bill—meaning the Arizona immigration bill—he had to admit no, he hadn't read the bill and he hadn't been briefed on it either.

Now an Attorney General of the United States coming before the Judiciary Committee to testify before the committee would be intensively briefed on subject after subject. He would be so boned up and ready that he could respond to anything. And this Attorney General couldn't see fit to bother to read a bill that's less than a dozen and a half pages long, double spaced? One that he felt free to speak to and make allegations about and imply that it could lead to discrimination and racial profiling or flat out say so in his public statements.

I was shocked to think that the question that I would have not considered was even one that legitimately just couldn't imagine that the Attorney General of the United States would not have read a bill that he was so critical of, but he did not. Thanks to TED POE, we know that.

So the President didn't read the bill or he willfully misinformed the American people. Attorney General Eric Holder said he didn't read the bill, but still he misinformed the American people.

The Secretary of the Department of Homeland Security, Janet Napolitano, admitted before JOHN MCCAIN, her colleague from Arizona, that she hadn't read the bill. She was aware of it, but

she hadn't read the bill, but she felt free also to talk about the potential effects of Arizona's immigration law.

And then we have the assistant Secretary of State, Posner, who repeated to us that they brought up the Arizona immigration law to the Chinese early and often and apparently made the statement of mea culpa for the United States that we had laws that were discriminatory and perhaps bigoted. But he hadn't read the bill either.

The President of the United States didn't read the bill. He misinformed the American people, unintentionally or willfully. The Attorney General of the United States, who is looking into suing the State of Arizona, hadn't read the bill, but he misinformed the American people unintentionally or willfully. The Secretary of Homeland Security, Janet Napolitano, hadn't read the bill but was misinforming the American people unintentionally or willfully. And the assistant Secretary of State, Posner, hadn't read the bill or intentionally was misinforming the Chinese. All of this going on in the Department of Justice has been directed by the President of the United States to investigate Arizona's immigration law.

Now, if the President gave that order without reading the bill, you would think he would have someone around him who had read the bill and had briefed the President. There's no sign of that. So apparently they're taking their marching orders from MoveOn.org or the ACLU.

And so the Department of Justice is investigating. They're looking for a way to bring suit against the State of Arizona on what could the basis be. And I asked the Attorney General this last week before the Judiciary Committee, Can you point to a single component of the Constitution that may have been violated by Arizona's law? No. Can you point to a Federal statute that would be in conflict with Arizona's immigration law? No. Can you point to any case law, any controlling precedent that would indicate that Arizona doesn't have the authority to enforce their immigration—the immigration law? No.

But still at the direction and order of the President of the United States, the Attorney General is using the force of the Justice Department to investigate Arizona and Arizona's immigration law all while inside that Justice Department they have canceled the most open-and-shut voter intimidation case in the history of America—that's the New Black Panthers—smacking billy clubs in their hand, calling white people coming in to vote in Philadelphia “crackers” and intimidating them from voting. And the Justice Department says we don't have enough evidence to convict.

And the Assistant Attorney General, whose name is Thomas Perez, testified before the Judiciary Committee that they achieved the highest possible penalty. And the highest possible penalty

was to put an injunction against one of the four New Black Panthers, prohibit him from standing at that same polling place with a billy club and intimidating voters in the 2012 election. But after that, it's apparently not a problem.

It was a false testimony on the part of Assistant Attorney General Thomas Perez. They didn't achieve the highest penalty that was available to them, even though he testified otherwise, and the Justice Department canceled the case, the most open-and-shut voter intimidation case in the history of America.

And then we have the case of Kinston, North Carolina, where the people of Kinston, North Carolina, voted that they wanted to have non-partisan elections in their citywide elections. A lot of communities in America opt for that. Something like 70 percent of the communities in America don't want to have partisan elections. So they say you can't put a Republican or a Democrat, no “R” or “D,” by your name. You get elected to represent this city without having a party identification.

Kinston, North Carolina, voted to do that overwhelmingly. The same person inside the Justice Department that dropped the charges for the voter intimidation in Philadelphia, Loretta King, also sent a letter to Kinston, North Carolina, because they are a covered district and covered by the Voting Rights Act and they have been labeled discriminators since the middle 1960s, have to get approval if they are going to change any system of their elections under the Voting Rights Act because they are a covered district.

So she denied the will of the people of Kinston on the basis that African Americans who wanted to vote for another African American wouldn't know to vote for that African American unless they had a “D” beside their name. Well, that seems to me to be a race-based decision, not one based in law or logic.

I don't think it's logic that people can associate necessarily a “D” with skin color. I'd like to think that they were voting without regard to skin color, that they were actually voting for people that will do the best job of representing them in Kinston, North Carolina.

That's strike number two against Loretta King and the Justice Department.

She had a third strike against her, and that was a rule 11 being applied for filing a specious case that was unfounded, and it cost the Federal Government \$570,000 to pay that out because she brought a case that couldn't be supported that was false and specious and unfounded. And there's better language for that to be found under the rule 11 language that's there.

All of this the Justice Department can investigate and continue with the most open-and-shut voter intimidation case. They canceled the will of the peo-

ple in Kinston, North Carolina, based on a race decision of Loretta King who had brought this false and specious case that cost the American people \$570,000 all while this Justice Department that has enough resources to investigate Arizona with no rational reason why, with no constitutional thing that he can point to, he can't even investigate ACORN.

With that, Mr. Speaker, I would yield back the balance of my time.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

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

Mr. HONDA. Mr. Speaker, I rise today to recognize the Asian American and Pacific Islander Community and to commemorate Asian Pacific American Heritage Month.

As chairman of the Congressional Asian Pacific American Caucus, better known as CAPAC, I feel privileged to be here tonight with my colleagues to speak of the Asian and Pacific Islander American history accomplishments. Additionally, I will be highlighting those issues affecting our community and the priorities for CAPAC.

In celebrating the APA Heritage Month, I want to give thanks to the late Representative Frank Horton from New York, and to my good friend, former Secretary Norman Mineta, along with Senators DANIEL INOUE and Sparky Matsunaga of Hawaii. It is because of their efforts that May is now designated as Asian Pacific American Heritage Month.

The first 10 days of May coincide with two important anniversaries: the arrival of the first Japanese immigrants on May 7, 1843, to the U.S. and the completion of the transcontinental railroad on May 10, 1869.

In 1992, Congress passed public law number 102-450, the law that officially designated May of each year as Asian Pacific American Heritage Month.

□ 2000

Today I, along with Congresswoman JUDY CHU, introduced a resolution honoring the accomplishments of my dear friend, Norman Mineta, who cut his teeth in politics in California's 15th District in Silicon Valley, which I represent today. Throughout his career, Norm has broken through many glass ceilings, himself, but also for the rest of us. He is a close personal friend, and I consider him a dear mentor.

Norm was the very first Asian American mayor of a major city, the first Asian American to hold a Presidential Cabinet post. Not only did he pierce through the glass ceilings, he dedicated much of his energy building the infrastructure needed for the Asian American and Pacific Islanders to grow and thrive to what it is today.

Norm had a hand in establishing and/or strengthening so many of our key