

need to clarify that wages and benefits paid to illegals are not deductible for Federal income tax purposes. Doing that allows the IRS, during a normal audit, to run the Social Security numbers and the information data of the employees of the audited company through E-Verify. And if they come back, they can't lawfully work in the United States—and we will give the employer safe harbor if they use E-Verify. Then the IRS can deny the business expense.

This is a piece of legislation that I have drafted called the New IDEA Act. So the net result is this, if you paid out a million dollars in wages, and the IRS—well, let's just say multiple millions—but the IRS has determined that a million dollars of those wages have gone to illegals, then they can deny that as a business expense. And we know when that happens it goes over on the profit side of the ledger, and it becomes taxable as income.

So now you have got income tax to pay on a million dollars instead of having a million-dollar deduction that avoids that income tax. The corporate income tax on that is a profit, plus the interest, plus the penalty, calculates out to be, if you are a \$10 an hour illegal, you become about a \$16 an hour illegal.

When you get to that point, now you have lots of employers that have decided that they want to make a decision to clean up their workforce and hire only legal and that shuts off the magnet here in the United States in an effective way.

The last thing I want to do, right before I yield, is I want to sell off all of this property that the United States has taken over and nationalized, including the shares of General Motors and Chrysler.

Madam Speaker, may I inquire as to the balance of my time?

The SPEAKER pro tempore. The gentleman has 4 minutes remaining.

Mr. KING of Iowa. I yield to the gentleman from California.

Mr. BILBRAY. I appreciate the gentleman yielding.

I wanted to take this chance because I saw you on the floor. I think there are a lot of issues that are controversial and a lot of people see Democrats and Republicans disagreeing on.

I want to use this time to compliment the gentleman from Iowa for the fact that he has introduced the most moderate, the most logical and I think the most American bill when it comes to the immigration issue. This is something that really, really hits to the core of the problem and doesn't blame the immigrant, but goes to the source of illegal immigration, and that's the illegal employers who are exploiting them.

I think if there was one place that Democrats and Republicans should be able to work together, that all Americans could agree on, that this Congress, this month, should eliminate the absurd situation to where illegal em-

ployers get to write off the expense of hiring people illegally in this country and be able to have the Federal Government subsidize their commission of a crime when they hire somebody who is not legally present.

And your bill is right to the core of what the American people are asking for, Democrats, Republicans and independents, saying, come on, why don't we get together in Washington and do the right thing and eliminate these absurd situations.

And this one is so logical, it is so moderate, and it's so appropriate for the time. And if there is nothing else that we can agree on before we adjourn this year, I would like to see, we should agree, that the taxpayer should not be subsidizing the employment of illegal aliens and the exploitation of those workers.

I want to thank the gentleman for coming forward with this bill.

Mr. KING of Iowa. I want to thank the gentleman from California for hustling here to the floor to weigh in.

I yield to my other friend in life, Dr. PAUL BROWN.

Mr. BROWN of Georgia. Thank you, Mr. KING. I appreciate your leading, and I appreciate your leadership not only on this issue but on many others.

The American people just say where are the jobs, and these illegal aliens here in this country must go home. We must secure the border first and foremost. We must make English the official language of America. We must enforce the laws on the books, but we cannot put it on the back of the employers or the States.

We must put it on the back of the Federal Government.

I congratulate you on a great job, not only on this issue, but all that you are doing. And we will continue to fight to secure the borders, make English the official language, and do things that the American people are just crying out for to create jobs here in America.

I congratulate you.

Mr. KING of Iowa. I thank the gentlemen from Georgia and from California for coming in to weigh in on this. We are here at a time when we have got to reestablish the rule of law, and we have got to shut off the bleeding at the border, and we have got to shut off the jobs magnet.

This bill, the New IDEA Act, does shut down, if not completely off, the jobs magnet. And New IDEA stands for the New Illegal Deduction Elimination Act.

Madam Speaker, we often say here there are no new ideas here in Congress, that it's just recycled old ideas. Well, this was kind of an audacious move to declare it to be the New IDEA Act, but it defines what goes on.

The New Illegal Deduction Elimination Act, right now, we have not eliminated illegal deductions.

Instead, we have the IRS that's not calling the shots on this. It's letting the deductions come, so people can hire illegals with impunity. It really is

against the law to deduct wages to illegals, but they are not enforcing it.

Another piece that this law does is it requires the IRS and the Social Security Administration and the Department of Homeland Security to set up a cooperative arrangement. So they have to sit down at the table and decide, well, here are these no-match Social Security numbers. We will roll these over here in the Department of Homeland Security so they can go check them out when they go look at the employers, and the IRS can take those numbers as well when they bring it into their audit and bring the focus on so that we are coordinating the agencies in America to get at the goal.

The goal is to enforce the law. The goal should not be to advance amnesty by the DREAM Act or any other way. And we cannot be the great Nation that we are yet to become if we don't take our path up that way by supporting and strengthening the rule of law, one of the essential pillars of American exceptionalism. That's the argument, amnesty or the rule of law. It's two choices.

And it looks now like the DREAM Act is not coming at us until perhaps in a lame duck session. If it does, out of that Senate in a lame duck session, that is an offense to the American people to bring a bill like that with impunity against the American people when you no longer represent them because of the election that will take place in November.

So, Madam Speaker, again, I thank my colleagues for coming to the floor. I appreciate your attention on this matter. I appreciate the American people's attention on this matter, and I believe they will stand with the rule of law and against amnesty.

PROPOSAL TO REGULATE FLY ASH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. MOLLLOHAN) is recognized for 5 minutes.

Mr. MOLLLOHAN. Madam Speaker, I rise today to call attention to an issue that threatens the economic viability of many industries and the existence of thousands of jobs in and around the coal fields of our Nation. That issue, Madam Speaker, is the Environmental Protection Agency's proposal to regulate fly ash, coal ash, as a hazardous material.

Over the past 2 years, Madam Speaker, the EPA has peppered the Federal Government and the Federal docket with a myriad of proposed rules and undertaken aggressive, zealous enforcement actions targeted at industries in Appalachian States.

This much continued pattern of rule-making and enforcement action is destructive to the central economic engine that fuels this Nation's energy needs.

□ 2010

In its latest round of regulatory bravado, EPA released a proposed rule in

June to impose additional regulation of coal combustion byproducts, fly ash, under subtitle C of the Resource Conservation and Recovery Act, RCRA, as a hazardous waste. I'm speaking today, Madam Speaker, in opposition to EPA's extreme and burdensome rule-making option to regulate fly ash as a hazardous waste under subtitle C.

This rule, Madam Speaker, would unnecessarily jeopardize construction and manufacturing jobs in addition to increasing the costs of highway and other infrastructure projects which are so vitally needed in my district and in districts throughout the country. Why? Because fly ash is an essential and reasonably priced ingredient in products used by these industries, and this rule would in and of itself dramatically increase that cost.

Why is EPA pursuing the subtitle C option when the agency determined under both Democratic and Republican administrations, Madam Speaker, through two reports to Congress and two final regulatory determinations that coal ash does not warrant regulation as a hazardous waste? During EPA's four prior reviews of this issue, it concluded that States can safely manage coal ash under Federal nonhazardous waste rules. EPA's subtitle C option is wholly inconsistent with its own past decisions.

Clearly, Madam Speaker, the 2009 impoundment failure to Tennessee Valley Authority's Kingston facility, which started all of this review, called important attention to this particular issue and reinforced the need for operational changes to avoid future accidents. The Federal Government must absolutely work to ensure safety and environmental protection where coal impoundments are concerned. EPA's subtitle D option, regulating fly ash as a nonhazardous waste, provides these important protections while protecting the important economic opportunities available through beneficial recycling of coal fly ash.

Madam Speaker, regulating fly ash as a hazardous material is overkill, putting precious jobs at stake, and would cost \$1.5 billion a year to implement according to EPA's own estimates. These costs will be absorbed by American families who are already facing constraints of tough economic times.

Coal combustion by-products are currently recycled for several perfectly safe and beneficial uses, including cement, road materials, and wallboard. These beneficial uses of coal ash create jobs. The subtitle C option would unnecessarily stigmatize coal ash and obstruct its beneficial use in these vital, important infrastructure projects. It's counterproductive to add more waste to our landfills when we could be safely putting it to use in our roads and bridges, creating more jobs and building projects at reasonable prices.

In closing, Madam Speaker, EPA's subtitle C option for coal ash regulation will have a significantly adverse

impact on job creation and economic recovery. This rule option would be deeply damaging in West Virginia and throughout the Nation, and, therefore, I strongly encourage EPA to pursue the subtitle D option, the nonhazardous option, in its rulemaking process.

I appreciate, Madam Speaker, the opportunity to speak this evening about the importance of protecting West Virginia jobs, the Nation's jobs, and reasonably priced infrastructure.

THE COMPREHENSIVE PEACE AGREEMENT IN SUDAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New Jersey (Mr. PAYNE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAYNE. Madam Speaker, I rise today with Majority Leader STENY HOYER to ring the alarm on the current situation in Sudan and underscore our support for a timely, free, and fair referendum on the independence of south Sudan and Abyei in January 2011.

Let me begin by thanking the majority leader for calling this critical, important Special Order and for his continued leadership on this issue, having led codels to Sudan, having had periodic meetings with administration officials, bringing in persons from Sudan, south Sudan, in his continuing push for peace. And so, once again, I commend Majority Leader STENY HOYER.

I was elected to Congress in 1988 and was sworn into office in 1989, the same year that Omar al-Bashir came to power in a coup in Sudan. I have closely followed the situation in Sudan ever since then, and I must say that I'm extremely concerned about what is happening now. The continuing and emboldened intransigence of the Bashir regime threatens to unravel the peace that was won 5 years ago and spark a return to conflict.

On January 9, 2005, members of the United States Government, including myself, witnessed the signing of the Comprehensive Peace Agreement in Nairobi, Kenya. The Comprehensive Peace Agreement ended the ghastly 21-year civil war between the north and the south of Sudan, a war that claimed the lives of 2 million southerners and displaced more than 4 million; a war in which the Bashir regime used aerial bombings against innocent, defenseless children, women, men, disabled people, and elderly; a war that nearly destroyed the entire region of south Sudan. But what was so great about the people of south Sudan—they could not destroy the spirit of the people of the south.

The Comprehensive Peace Agreement, championed by the late Dr. John Garang, who led the struggle in the south, outlined a path to secure lasting peace, a 6-year interim period, during which Khartoum would have an opportunity to show the people of south

Sudan that it was capable of change, that it was capable of including the south into a comprehensive plan to run the Government of Sudan.

However, at the end of the 6-year period, which is on January 9, 2011, about 6 short months from now, the Comprehensive Peace Agreement promised an opportunity for the people of the south to determine whether the regime in Khartoum had changed enough that they wanted to remain a part of Sudan or whether they wanted to secede. Dr. John Garang wanted to see a unified Sudan, but, as you know, his untimely death in a plane crash ended his dream.

The people in the marginalized area of Abyei, the region that holds in the soil of Sudan oil wealth, would decide if they would remain and keep their special administrative status in the north or become a part of the south. That has to be determined. It should have been determined even before January 9 of 2011.

The CPA laid out very clear benchmarks to be met for those referendums to take place and also included detailed instructions for power sharing and oil revenue. Still to date, these details have not been worked out. Now, today, Khartoum threatens to pull out of the agreement as Bashir's regime has refused to cooperate on key measures that must be put into place. Khartoum has repeatedly played games, stalled, held up and obscured so many critical steps in fulfilling the CPA, so much that today it is unclear whether the referendum in January can actually be held freely and fairly.

Must I remind the House that this is the regime that carried out the first genocide to be declared by Congress when it was in progress? Nearly half a million Darfurians have lost their lives as a result, and more than 2 million Darfurians have been displaced.

While Darfur is no longer on the front pages of newspapers, the people still suffer. Last week, chief prosecutor of the International Criminal Court, Luis Moreno Ocampo, was at my Brain Trust at the Congressional Black Caucus Foundation's Annual Legislative Conference and called it a silent genocide that is happening in Darfur. Khartoum has strangled aid, cut off IDP camps, and is watching the people of Darfur slowly starve to death.

□ 2020

This is the regime headed by a President who has been indicted by the International Criminal Court for war crimes and for genocide. Again, as the CPA is supposed to come into full completion in less than four months, there is the threat of massive violence once again against the people of the south. We have seen several reports of armed shipments into the south to arm the Misseriya militias that were such a destabilizing force in the north-south war. This is very serious.

As the administration rolls out a new policy that includes incentive packages to sway Khartoum to do the right