

speed accident could unseat a valve or damage a seal, releasing radioactive particulates into the environment. The same event could crack the brittle metal tubing around the fuel.”

In response to a 2001 Baltimore rail accident involving dangerous chemicals, Senate Majority Leader HARRY REID of Nevada said, “Everyone needs to recognize that transporting dangerous materials is very difficult. The leaking hydrochloric acid in Baltimore is nothing compared to the high-level radioactive waste proposed for the Yucca Mountain site 100 miles northwest of Las Vegas. A speck the size of a pinpoint would kill a person. What we should do with nuclear waste is leave it where it is.”

Madam Speaker, even just within our own domestic borders, we have become a deeply divided nation concerning the storage of nuclear waste materials within our own country. Years ago in its so-called infinite wisdom, Congress decided to build a multibillion-dollar storage facility at Yucca Mountain in the State of Nevada. Were the people or the residents of Nevada ever given an opportunity to have a say in the process, despite strong objections from its congressional delegation and State government officials?

If I were a resident of Nevada, I would certainly object to the whole idea of other States shipping their nuclear waste and materials into my backyard. The question that comes to mind, Madam Speaker, what town, what city, what rural farm areas are going to be used or designated for shipments by truck, by train, by car, by airplanes? What guarantees are there that these shipments are not going to be subjected to terrorist attacks or even by accident?

Remember the oil spill of Valdez in Alaska, Madam Speaker? Everybody said it was absolutely safe to conduct such shipments of oil. Well, it happened, and the same thing can also be said if nuclear waste materials were shipped from other States to Yucca Mountain in the State of Nevada.

Madam Speaker, I could not agree more with our majority leader, Senator HARRY REID, expressing his concerns. I urge my colleagues to join me and Congressman SMITH in calling for an end to this even more dangerous and in my opinion needless practice of shipping MOX nuclear waste materials over the open oceans. I ask my colleagues to support House Resolution 402.

IMMIGRATION

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. Madam Speaker, I appreciate being recognized and joining my colleagues here on the floor of the House of Representatives and for an opportunity to address you and an opportunity to convey some thoughts that are going on in my mind that I think it

is important for you and the American people to hear.

One of the pieces of subject matter that has been very little debated in this Congress, at least in this new 111th Congress, and was not debated in any kind of depth whatsoever in the Presidential race after the nominations came from both the Democrat and Republican Party is the issue of immigration.

As we move along here complacently, I am aware there are pieces being moved behind the scenes to arrange a situation so this Congress could potentially be taking up, I call it a comprehensive amnesty bill. And if anyone doubts where I stand, I am opposed to amnesty in all of its forms. I lived through the amnesty bill in 1986. I revered Ronald Reagan, and I still do. There were very few times I disagreed with him. But the day he signed the amnesty bill in 1986 was a day I disagreed.

At that time I was operating a business that I had founded over a decade earlier. I was compelled to comply with the Federal directive that came from the 1986 amnesty bill. It was the INS at the time, the Immigration and Naturalization Service, and the requirement was this. There were about a million people in the United States illegally that would be granted amnesty, and President Reagan was straight up honest with us. He called it amnesty, and it was. It was amnesty for about a million people. And the trade-off was this: the conclusion that the Congress had come to and President Reagan had come to was we really couldn't enforce the law effectively enough to clean up the problem of the people that were illegally in the United States, and so because we couldn't clean that mess up by enforcing the law, we would just solve the problem by legalizing those million people that were here illegally, grant them a permanent status here in the United States, grandfather them in, so to speak. But from that point forward, Madam Speaker, from the point forward from when Ronald Reagan signed the amnesty bill of 1986, there was to be a major commitment on the part of the Federal Government to enforce our immigration laws under the idea that in order to pass amnesty out of this Congress, there needed to be a commitment to, from that point forward, enforcing the rule of law.

The argument that came was this. It was that we can't make it work because we have a million people here, but from here on we're going to enforce the law, and we're going to enforce the law aggressively. So the amnesty of 1986 was to be the amnesty to end all amnesties.

President Reagan signed the bill with that in mind, that there would be enforcement. And his administration was responsible for the duration of his term in office, a couple of years, to do the enforcement. And I, sitting there as an employer in 1986, am thinking a promise to enforce the law does not equate into enforcing the law.

□ 1845

But I think INS will come in, and they will enforce it against me as an employer.

And so I complied with the law because, first, I believe in the rule of law. I think it is an obligation to adhere to the rule of law. If you don't like the law, it isn't something that Americans should be doing by ignoring it; we should comply with it. But if we don't like it, we should set about trying to change it. That is the process. That is the system, Madam Speaker.

And I did comply with it. In fact, I agreed with the component of it of the enforcement side. And so when we had job applicants come in my office, from that point on after the 1986 amnesty bill was signed, I took a copy of their drivers license, I took their other data. I brought out the I-9 form and had them fill out an I-9 form. And we took the copies of their identification material and we attached it to the I-9 form and put that in a file. And to this day—I'm not sure that I can, but I think I can go back and find some of those original records, however dusty they might be. I kept those records. I kept it right because I believed in the rule of law. I believed in the Federal law. I believed the government, when the Federal Government told Americans—and that means those who are here legally and illegally and those who might come here—that they were going to enforce immigration law to the letter, I believed them. And I adhered to that immigration law to the letter.

But since that time, the immigration enforcement was, I will say, as high then, from a concentrated basis, as it has been since. And since 1986, the enforcement of American immigration law has diminished incrementally over that period of time. I think it was more effective under Ronald Reagan than it was under the first George Bush. I think it was more effective under the first George Bush than it was under Bill Clinton. And I think it was more effective under Bill Clinton than it was under George W. Bush as President, Madam Speaker. And I think George W. Bush's enforcement at this point has been more effective than it has been under this current administration of President Obama, under the direction of the Secretary of the Department of Homeland Security, Janet Napolitano.

I think if you would graph on a chart the worksite raids, the actual interdiction of people that are unlawfully in the United States, the deportations, the prosecutions, the data that's there on a proportional basis, I think you would find what I have described. Immigration enforcement has declined over the last 20-something years, perhaps 23 years. And I don't know that it has reached a bottom at this point. I hope it has; I hope it turns around and goes the other way.

But we have learned a lesson from the 1986 Amnesty Act, the amnesty to end all amnesties. It would be the last

time we would ever do this. And now, from that point forward, we were going to enforce immigration law so that we controlled who comes into the United States and who stays out of the United States. Madam Speaker, you can't be a Nation without borders. You can't call them borders if you don't enforce borders. You can't have borders that you can claim are enforced unless you decide who comes in and who stays out, unless you decide what products and materials come in and which products stay out.

But we are, today, a Nation that has had such a flood of illegal immigration. And we have actually had at least six more amnesties since then, and smaller ones, than the large 1986 Amnesty Act. And they were generally designed to provide amnesty to the people that we missed or forgot in 1986. And by the way, the 1 million people in 1986 actually turned out to be over 3 million people from the Amnesty Act of '86 because, one is, we have always underestimated the numbers of illegals that we have in the United States. And the other is that, even though there was a direct line cutoff date—if you were in the United States before a particular date you would qualify, if you arrived here illegally after that date, you did not—well, there was a massive amount of fraud. There was an entire industry that was developed that came about in order to defraud the '86 Amnesty Act. So our 1 million—which maybe was too low a number estimate in the first place—grew to 3 million because it was underestimated, and it certainly didn't consider how much fraud there would be.

Well, today, we have a large body of people in the United States, Madam Speaker, that are looking simply at this Nation from the standpoint of what affects their bottom line, what affects their life, what affects the safety and security of them and their own households, how does it affect their investments, their profitability, and their futures. And we have a large group of people here in this Congress that are doing a political calculation on what kind of political power does it give them if we would just grant amnesty to the 12 or 20 or more million that are here in the United States today—some of those that promised they would come to the streets to demonstrate last Sunday, and not very many of them showed up, and those that promise they will go to the streets next Sunday, and we will see how many of them will show up.

But once you grant amnesty and you say you will never do it again, Madam Speaker, you lose your virtue. When you lose your virtue, you can't get it back. You can't say in 1986, well, I don't know how to solve this problem of 1 million illegal people in the United States, so I am just going to legalize them and that solves the problem, I no longer have any illegals in America. But I am never doing it again. And I guess I'm thinking of some images of

how virtue gets compromised and never reclaimed. It's like someone goes into a store and shoplifts a candy bar and they get caught. Do they say, well, I'll never do it again? What do you think the odds are that they will do it again? Once they've lost their virtue, if they tell a lie, how likely is it that someone who has told lies habitually all of a sudden will decide, no, I am going to be virtuous now? People do have epiphanies, but classes of people, nationalities and cultures don't have epiphanies. They react to real external stimuli. They react to enforcement at the border. They react to enforcement at a worksite. They react to a culture and a civilization that either adheres to the rule of law or it doesn't.

One of the great strengths of America has always been that we had great respect for the rule of law and that everyone was subject to equal justice under the law and that we enforce the law without regard to whether you were a prince or a pauper. In fact, we rejected princes and royalty here in this country. We want everyone to have an equal opportunity, but we have to decide who comes in and who doesn't come in.

We have the most generous immigration policy anywhere in the world. There is no country out there that can match their immigration policy up to the United States and argue that their borders are more open, that they are more accommodating. No one takes in more refugees. No one provides more asylum. No one allows in more raw numbers of legal immigrants and no one does so in a greater percentage of their population than we do here in the United States of America. That is just the legal side. No one is better than we are. The rest of the world criticizes us, but none of them can match up to the United States for being generous in providing legal access to this great Nation of liberty, the United States of America.

And while that is going on, legal immigration in the United States, it runs about 1.1 to 1.3 million a year—a huge number, 1.1 to 1.3 million a year legal immigration. And the argument that I hear is, well, the lines are too long. There are people that have been in line for 10 or 12 years wanting to come into the United States legally, and we have to do something to shorten these lines. Well, there are some solutions to that, I presume, Madam Speaker. If your idea was only to shorten the line so people didn't have to wait to come into the United States, you could just open up the door wider and in would come the people that are in the line. If you do that, more people will get in the line.

But let's just think of a line of, let's say, 1.2 million people lined up to come into the United States, all through, say, this door, Madam Speaker. And we process their paperwork, we do background checks on them, we evaluate whether they're the kind of people we want to come here or not—by formula,

not so much by analysis—and they get to bring in people on the family reunification plan. And one person might bring in more than 250 in the family reunification plan, and that formula goes on and on and on ad infinitum.

But let's just imagine that there are 1.2 million people lined up outside this door, and once a year we open the door and let them all in and then we close the door when we get to 1.2 million. That is a lot of people to bring into the United States of America. And it is a huge endeavor to seek to assimilate and adapt our economy to that many people coming into this country. By the way, our birth rate is a little bit to the plus side. So every time we lose somebody, there is more than one baby born. And that's a good thing; I want to see our population grow on a natural basis.

So 1.2 million people coming into the United States legally, but there is another lineup out there that, every year we open the door, in come 1.2 million, but a few more people get into the line that's outside. And so there are, not in real numbers, but practically speaking, roughly a decade-supply of people out there lined up wanting to come into the United States legally.

While this is going on, we have approximately 11,000 illegal border-crossers sneaking into the United States on average on a given night, 11,000—roughly 4 million a year coming into the United States. That's 4 million, 11,000 a night, twice the size of Santa Anna's Army that invaded Texas, twice the size, every single night, coming into the United States. Some go back on their own; some stay. And so the raw net numbers is something that we have a little trouble agreeing on what that might be. But 4 million illegal border-crossers coming into the United States, 1.2 million legal entrants into the United States. That is the ratio that we are working with.

If we can shut off the bleeding at the border, shut off the bleeding into the United States that is coming in through all of the ports of entry that we have in the United States and seal that down, we have already created slots for other folks to assimilate into this society and assimilate into this culture. Four million people a year illegally coming into the United States, 1.2 million coming in legally, and the argument is, well, let's go ahead and legalize all of these people. So maybe there are 12—the other side will allow 12 million as an estimate, but they've been using 12 million illegals in America every year since I have been in this Congress and this is the seventh. Now, you do not have to be, I will call it a "rocket surgeon" to figure this out—and that's not a mistake—you don't have to be a rocket surgeon to figure out that if you have 4 million people coming into the United States illegally every year and you do that for 7 years in a row, the math on that turns out to be about 28 million—some go back home, some die, yes. But for 12 million

illegals to have been here in 2002 and only 12 million illegals to be here in 2009 and having 4 million of them coming in every single year defies anybody's logic to think that that 12 million is a static number. It has to have grown. Or if for some reason that I don't understand it's not growing, I would like to have somebody explain to me how we got to the 12 million in the first place. When did they come, at what ratio?

The reality is we know, Madam Speaker, the number is more than 12 million. It is very likely more than 20 million. It could be 30 million. But I am hearing people—on the other side of the aisle, in particular—argue, well, we can solve this illegal immigration problem, we will just grant them—don't call it amnesty, we'll redefine it, we'll call it something else.

That, Madam Speaker, was an intense debate that I had with Karl Rove. I advised him, you will not be able to redefine the term amnesty. It is amnesty if you reduce the penalty. It's amnesty if you don't apply the penalty that applies at the time they committed the crime. But his argument was, well, what if we require them to pay a fine and learn English? If they paid a \$1,000 fine—I think we're up to a \$1,500 fine—and if they learned English or if they took English classes—that we pay for with taxpayer dollars—wouldn't you then say it's not amnesty? Because, after all, some of them would actually even pay some of their back taxes by the legislation that they offered. They would be able to choose 3 out of the last 5 years that they pay their back taxes. What American citizen wouldn't want to have that opportunity to look back over the last 5 years and skip the best 2 years you had and decide not to pay your taxes in those 2 years and put the cash in the bank? Stick it into this giant ATM that they view America as and just select the 3 worst years out of the last 5 and pay the tax on that, have somebody pay for your classes to learn English. And then the tax savings that you get you could pay a \$1,500 fine in order to get amnesty. So you wouldn't call it amnesty because there was a penalty involved.

Madam Speaker, this is a breath-taking concept for me. I can't get there. I can't get my logical mind around the idea either that we could solve this illegal problem and the crime and the drug smuggling that is associated with it if we would just legalize people. And they keep making this argument. And I have yet to find anybody that can sustain the argument past the opening statement of, well, we can solve this problem; at least if we legalize them, we will know who's coming and who's going, we'll know who's here. They can't get to the second phase of that analysis; how would you know who's here? How would you know they told you the truth in the first place when you granted them amnesty? If you said, all of you come through

this turnstile and we will take your identification and give us your birth certificate from Mexico or El Salvador, or wherever it might be, Guatemala perhaps, and we will give you an identity here in the United States of America, how will we know that that's their real identity? Many don't have birth certificates in their home country, they don't maybe know where they were born, they can't prove it if they do know. And so we would grant an identification to 12 or 20 or 30 million people, give them a path to citizenship, and all they would need to do is attest that they were someone. Now, why would we imagine they would attest that they were only one of someone? Wouldn't they also walk through that turnstile two or three times to get multiple identities?

Many of them are doing it now. Many of them are taking on the identity of some American. The identity theft side of this thing—and by the way, when somebody steals your identity, you are never done. You never can come back to be the person you were again because you never know, when out there in society, your Social Security, your driver's license, those IDs that are breeder documents that are paths to the equivalency of citizenship aren't being used. You might catch the person that stole your identity, but you never know how many people picked up your identity and transferred it along the way; how many people might be working underneath your Social Security number.

□ 1900

But if we would grant this amnesty, and I have actually forgotten the term that they use because "amnesty" is the most descriptive term. If we would grant this, we would see 12, 20, maybe 30 million people line up and ask for their path to citizenship. Now, we don't know who they are but we've given them identification. We can't do a background check on them because we can't verify who they are in the first place. So now we have into our system, let's say, 20 million, 20 million people into our system who have been granted some kind of a legal status, and this legal status isn't indexed into anything they did in the past because, after all, nobody is going to come forward and say, "Oh, yeah, I was a felon in Guadalajara." The criminals will not come forward and identify themselves. So we will have purified the ID of people that would come here and accessed the identification through this amnesty program. We'd given them legitimate identification that allows them to travel anywhere they want to anytime they want to. And the crooks are not going to line up and tell us that they are crooks. So the idea that we could keep track of them is a false and specious dream because the people we want to keep track of are not going to step up and volunteer to be tracked.

So what we have today are 4 million illegal border crossings a year pouring

across the southern border, an accumulation of 20 to 30 million illegals in America. And in that huge human haystack are the needles that are the criminals, the drug dealers, the murderers that are hidden within that huge human haystack of humanity. And the idea on the part of this administration and the previous administration and, by the way, the idea on the part of the Republican nominee for President as well, was we're going to grant them amnesty and then when we legitimize all of this huge human haystack, then we will be able to sort the needles out of the haystack.

That, Madam Speaker, is an impossibility. Conceptually, it's an impossibility to take the idea that you're going to let people have a path to citizenship and you're going to give them documents that allow them to legally travel back and forth between the United States and any other country. The US-VISIT program is only half operational. We keep track of who comes into America, but we don't keep track of who goes out of America.

I tested this one evening down on a border crossing on the Mexican border and just simply was there observing what was going on. And I can recall people coming through there that our Border Patrol knew, our Customs and border protection people knew. So they would say, yes, and they'd take their card, swipe it through the US-VISIT computer, and it would register the identity that was on the card. That identity matched the face of the driver. The driver took off. I stood there a while longer, and maybe an hour or an hour and a half later, the same car came back, the same individual in it, drove right on south out back into Mexico. And so I said, "You swiped her card coming in, checked her ID, showed me how that worked. You didn't swipe her card going out?"

"No, we don't keep track of that."

In a few places I understand we do pilot programs, but we don't keep track of that. So we don't have a system. We can't get a system up to deal with the people that have proper documentation today to keep the computer database of who came into the United States, who left out of the United States, and then the balance in the middle, those that came in minus those that left will be the list of names of people that are here. We can't even get that done. So instead we would legitimize 20 or 30 million people, give them that path to citizenship, tell ourselves that somehow out of this haystack of humanity we'll be able to ferret out the criminals and the drug dealers and the violent people that are there. All the while in this stream of humanity comes 90 percent of the illegal drugs in America, Madam Speaker, 90 percent coming into the United States across our southern border and all the human carnage that goes with that, the damage to our families, the damage to our productivity, the loss in lives, the children that are abused, the wives and

sometimes less often the husbands that are violently assaulted by their spouse, their boyfriend, their significant other, whatever arrangement it might be, the children that are abused that come because of methamphetamines and because of marijuana and because of heroin and because of crack cocaine and because of cocaine itself. Those drugs, the marijuana, which often is a gateway drug to the drugs that incite a higher level of violence, this damage to America's society is high. It's high in terms of dollars and lost productivity. It's high in terms of human suffering. It's high in terms of human life.

And, Madam Speaker, I will be continuing to press our Drug Enforcement Agency and all of the relevant agencies to give me the numbers on what the cost is to this economy, what is the street value of the illegal drugs in the United States of America. They can give me a number that tells me about how much is profit that goes south, but they don't seem to want to be able to give me a number on how much is spent on illegal drugs in the United States of America.

I can tell you about how much money is wired out of the United States into the rest of this hemisphere, almost all of it south, and it works out to be this: \$60 billion a year ago, \$60 billion wired from the United States into points south. Half of it into Mexico, \$30 billion into Mexico, \$50 billion into Mexico over the last 2 years. That's billion with a "b," not trillion with a "t." Billion with a "b." But \$30 billion, and another \$30 billion that went into the Caribbean and into South America. So \$60 billion out of this economy. A lot of it came from wages that were earned, some by legal immigrants that are here, and they have a perfect right to wire their earned money wherever they want to wire their earned money, and I will defend that. But it's a drain out of this economy. And coupled with that are the billions of dollars that are wired out of the United States in wages that are earned illegally, and coupled with that are the billions of dollars that are laundered and wired out of the United States of America that are being paid for by illegal drugs that are the street value of illegal drugs in the United States of America. That's the number I don't have. That's the number I'm going to press until I get, Madam Speaker, because we can then start to make some decisions on the broader parameters of having a knowledge base of the big picture.

So the big picture, with blanks in it, is our economy loses \$60 billion a year that's wired south, much of it from wages, and I think a significant portion legitimate, legal wages, people's choices, \$60 billion going that way. There's a profit margin of around \$25 billion on illegal drugs in the United States of America. About 90 percent of those illegal drugs come across the border with Mexico. Many of those drugs originate in countries south of Mexico and travel through Mexico. The mag-

net for those illegal drugs is the market here. The market here is allowed and created because we have drug abusers in America, and lots of them, and they spend a lot of money in a year. The Drug Enforcement people tell me they don't know that answer. I say they've got the data and they can figure it out. If they can't, I will.

But in any case, the loss to this economy is huge. And when the Mexican Members of Congress sit down in my office and they begin to talk to me about the violence in Mexico that's brought about by the drug trade, I have to concede to them the point that it is the demand for illegal drugs in the United States that brings about the violence because of the profit that's associated with smuggling drugs into the United States.

Now, we also know that the methamphetamine production in the United States has been reduced to a minimum because we have passed some legislation that could have been better, and some of the States have made it better, that shuts down the pseudoephedrines that are the feedstock to make methamphetamines. So, in Iowa, we have a good law that has taken a lot of that out of the local drug labs. It's not perfect yet. We make them jump through a lot of hoops. They still make some meth in Iowa, not as much as they used to. Now maybe that number is 95 percent of the methamphetamine in Iowa comes from Mexico, a higher number than 90 because we make it harder for them to make it in Iowa. They have made it harder to make it in some of the other States, including Oregon and, I believe, Oklahoma and other States.

But another piece of information that I gather is that Mexico, and they advised me down there that they have done this, that it's a matter of public policy, and I applaud them for it, and that is for the beginning of the year 2008, they outlawed the importation of pseudoephedrines in Mexico so that there would not be a feedstock coming into Mexico for them to manufacture methamphetamines with. They allowed people that had it in their possession to use it or market it, get rid of it by the end of 2008. And by the beginning of 2009, it's now illegal to possess pseudoephedrine in Mexico because it is a feedstock that they use to produce methamphetamines. That's a couple of big pieces of legislation and a strong commitment on the part of the Mexicans to reduce the production of methamphetamines in Mexico, much of which comes into the United States.

Now, the gap becomes orders that are ginned up in size, overblown in their volume. They come into the United States through various means, and I won't speak to those means. Then the pseudoephedrines that are illegal in Mexico that can't be imported into Mexico any longer get smuggled into Mexico from the United States, converted into methamphetamines there, and brought back into the United

States to be distributed in my neighborhood, across all neighborhoods in America. These things are going on at a huge price in American lives, blood, and treasure altogether. And the price that we pay here in this country is high, but the price that they have paid in Mexico, at least as published in the news, is perhaps higher yet. And we do not have a full approach to what we need to do about illegal drugs in America.

We talk about comprehensive immigration reform. Madam Speaker, what about comprehensive illegal drug reform? When we look at this thing from a broader basis, first of all, I will suggest that as long as we have people coming across our border legally and illegally to the tune of 4 million illegals a year, and I don't know the legal crossing numbers, but 4 million illegal crossings a year, and of that number roughly 11,000 a night, drugs being smuggled in in that stream, and the stream itself, whether they are involved in other illegal activity other than the crime of coming into the United States, they become a shield, a habitat, a way of protecting the stream of illegal drug smugglers that are operating all over the United States. And when I ask the Drug Enforcement people what would happen if magically tomorrow morning everyone woke up in their own country, a place where they were legal, what if we had no illegals in America magically tomorrow morning, what would happen to the illegal drug distribution system in the United States? And their answer has consistently been that will suspend immediately illegal drug distribution in America because it's at least one link, and every distribution chain is a link that's forged by an illegal in the United States. Sometimes every link is an illegal link, but they're forging these links. At least one link in every illegal drug distribution chain is an illegal immigrant that's here transferring drugs.

And I won't argue this, so I will say this first hypothetically: If we had full enforcement of our immigration laws overnight, we would shut off illegal drug distribution overnight, Madam Speaker. Now, that's not to say that those distribution chains wouldn't be reconstructed, that there wouldn't be illegal drug distribution manufacturing entrepreneurs that would fill that demand, because the demand does exist. It exists here in the United States, but the profit is going to Mexico.

So we have about two choices on this, or I will say there are three choices: We can ramp up the interdiction to the point where it raises the transaction costs so high that bringing it into the United States would get so costly that it would cease. That's one thing that we can do.

And another thing that we could do would be to turn up the drug testing in the United States, thinking of it in these terms: If every employer had a

drug-free workplace, if every employer enforced a drug-free workplace policy, if the employers actually initiated drug testing within their workforce in four different categories, if they had preemployment testing—so let's just say at the H.R. department if one sits down for a job interview and the employer interviews them and they come to this conclusion that they'd like to hire them and they say, all right, I want you to come to work for me on Monday morning, but conditional to this I am going to have to run your numbers and your data through E-Verify to make sure that you're legal.

□ 1915

And the second thing that you will have to do is to comply with the drug test. So I will set you up. We have got this little clinic here that works with us, and we will run over there, you can do the test. You pass the test, you pass the E-Verify, you can come in Monday morning and punch the time clock. Congratulations.

That would be a good process. Some companies do this. In fact many companies in Iowa do this, with the exception of the E-Verify component, they have to actually hire them before they can use E-Verify. And that needs to change, Madam Speaker, but the pre-employment drug test is an important tool, and employers can with that screen their employees so they are hiring drug-free employees at least at the moment that they hire them.

Three other categories of drug testing need to fall into this. Post-accident testing, if you have an employee, and he is involved in an accident of any kind, whether it's his fault or not. If there is a personal injury, if there is a property damage, then an employer needs to have a policy, a workplace drug-testing policy, that will test that employee on the basis that if there is an accident, there is a sign there that's an indicator.

So you would have preemployment testing, you would have post-accident testing, you would have to have reasonable suspicion testing, and that is when you have trained supervisory personnel that are qualified, that can watch the behavior patterns of the employees. And under that legitimate evaluation, send those employees off for a drug test that are showing the signs of drug abuse. That's the third way.

And the fourth way, and I think it's most effective, is random drug testing, where it's the same system we have for our certified, our certified driver's licenses, our CDLs, of which I carry one. And if you are going to drive an over the road truck today you have to have an up-to-date physical, and you have to have a logbook, and you also have to be in the random drug testing pool so that when they pull your number, when the random generator number kicks your number out, you go in and you give a sample, and you get tested.

So you have four ways of workplace drug testing, they have preemploy-

ment, post accident, reasonable suspicion and random drug testing; those four components are the tools that all employers should have and do need to guarantee a drug-free workplace. Now think of a world that instead of \$25 billion in profit going to drug lords south of the border, wherever they might be south of the border, if all of this human carnage of the death and the violence that comes from the drug abuse itself, of the crime and the death and the violence that comes with the struggle, fighting over whose drug turf, whose profit, whose illegal border crossing is going to be controlled, instead of that, all that could go away.

All of that could go away if we re-stigmatize drug abuse in America, if we increase the testing in these categories that I have said, preemployment, post accident, reasonable suspicion, random drug testing, if we did all four of those, and if private sector employers chose to do so, to clean up their worksite and to lower their insurance premiums, and to improve the work area so that they hired a better class of employees. If that happened, if government tested in a random fashion so that we were subject, that would be a deterrent for many people who might otherwise be experimenting with drugs. So if we test employment, all employment, and I am not talking about a Federal mandate, I am talking about setting a scenario up where we provide the right incentives so this can actually happen, so workplace drug testing, welfare drug testing—why would we be granting people the benefit of someone else's labor through handing tax dollars out to welfare benefits, to people who are enabled to take the day off and do drugs all day because they are not working? And so we give them rent subsidy, heat subsidy, food stamps, the whole list of title 19. The list goes on, allows them to abuse drugs all day, and they don't have to work.

Why wouldn't we say, as a condition to our help that is to be a safety net for those that are in need, and, hopefully, a transition into the workforce is where we want them, we are going to require that you submit yourself to a random drug test. There would be a lot of people that would no longer be on welfare. For a couple of reasons. One of them is we wouldn't provide them that welfare if they were on drugs. We would pull the plug and send them off to rehab if they failed that. That's another equation.

Or many of them will just decide I can't live this illegal drug life any longer, I am going to have to get a job because they are going to test me eventually, and they will transition off of welfare and into work. So if we test in the workplace, we test in welfare, the other place to test is in educational institutions. Yes, that includes our colleges and universities, includes our schools to almost every degree, and it includes the employees that are there as well if we had a random drug testing system set up.

And we think of the three large universes of this society, the workforce, the welfare rolls, the educational institutions and the students and faculty there. We have covered everyone in America and given them a random risk, I am not talking about doing this as putting them all in the same pool, I am talking about on a voluntary basis for the employers to do that, especially in the private sector, move through this, build this institutionally, and at a point we then, we have cleaned up the workforce, we have cleaned up the welfare roles. We have cleaned up the educational institution, three huge universes of this society and civilization, and the result of it, who would be left? Who would be left to be on drugs?

And the answer is nobody except those who are dealing and those who are stealing. It's a lot easier for law enforcement to focus on the dealers and stealers if we provide the deterrent for everybody else in those huge spheres in this society, this culture, this economy. That would, this proposal that I have laid out here, would shut down dramatically the demand for illegal drugs in the United States.

If we did that, then we would see fewer illegal border crossings. We wouldn't see the death and the destruction in Mexico as they fight over who is going to sell drugs, because the market would be drying up here in the United States. We have got to dry this market up and if we can't dry the market up on illegal drugs in America, then we get to William F. Buckley's solution, which is capitulate and legalize.

I am not there yet, and I say yet because I think it's worth establishing the rule of law, it's worth reestablishing it. It's worth enforcing on the border. It's worth enforcing in our worksite. It's worth enforcing across the streets of America and the highways of America. We ought to have efforts that are effective, and we should reward the people that enforce the law.

But if we should fail to do that, and if we are unable to implement a policy that would be workplace drug testing, then at some point all the violence that comes with this, drugs that we have today, is a mirror of what happened back during the prohibition era of the Roaring Twenties, when this country came to a conclusion they couldn't enforce a prohibition on alcohol, and that the violent crime that was coming with it, and then the non-violent crime, was so great that they would rather tolerate the alcohol than tolerate the violence.

I am not there. We have a tolerance level built into this civilization that's the United States of America that accepts the idea that if we don't see it in front of us every day, we are not going to score the carnage. But the carnage is high. The loss in lives is high. The loss of lives even at the hands of illegal aliens to Americans is very, very high.

We have had a number of witnesses come before the Immigration subcommittee that are surviving family

members who have lost a loved one at the hands of illegal, criminal aliens who had been interdicted by law enforcement. Law enforcement had encountered them, perhaps knew they were illegal or chose not to determine, and released them back on the streets.

A good number of these perpetrators that took the lives of Americans had been arrested a number of times before. That average is a high number that's part of a GAO study that was released in May of 2005. And, yet, we still have local law enforcement that's told on a continual basis that they really don't have the right to enforce illegal immigration or U.S. immigration law.

I, Madam Speaker, I reject that philosophy. It is a solid position for local law enforcement to enforce immigration law. We passed a 287g program that sets it up so that local law enforcement can receive training and work in direct cooperation of ICE; in fact, step into the shoes of ICE. That's a 287g program.

That needs to be expanded. It needs to be moved forward, as does the E-Verify program. And E-Verify needs to be expanded, expanded so that an employer can use it to run his current employees through it to verify that the people that are working there for him now are lawfully there, not just on the new hires.

That will be helpful with this. But we need to do much, much more. We need to enforce our immigration laws, we need to stop the bleeding at the border. We need to beef up our ports of entry.

We need to use all technology down there at all locations and continually get better because they are playing a chess game against us. They are bringing contraband illegal drugs and other products into the United States, even through the legal ports of entry and through the illegal ports of entry.

And yet, yet, as I listen and read the news and have discussions with the administration at the Cabinet level, I see a shift in priority from the interdiction of illegal drugs and people coming into the United States across our southern border to a pivot, almost a full pivot. Instead of lining our folks up on the border and guarding against what's coming from the south, but a turnaround and look to the north, to be in a position to intercept legal, Second Amendment-defended American guns that are going south, that become illegal when they are struggled across the border into New Mexico.

Now, I have heard some high-profile individuals talk about this particular issue and one of those individuals would be General Wesley Clark, who used to command NATO and is a sometime presidential candidate.

So I listened to him talk. He argued that we were smuggling assault weapons, illegal assault weapons into Mexico and smuggling machine guns into Mexico.

Madam Speaker, neither one of those statements are true. There is no such thing as an assault weapon in the

United States, at least by a legal definition. That was a legal definition that expired a few years ago, rightfully so, because you cannot define an assault weapon without defining what it looks like.

You can't define an assault weapon simply by defining its functionality. Because the functionality of the things that Wesley Clark and others, those who want to take away our Second Amendment rights, those weapons that they declare to be an assault weapon, when you define them by functionality, they become deer rifles.

In fact, the most popular gun to use, hunting the varmints in the United States, the coyotes, is an AR-16, M-16, M-16 model .223 in caliber. It's the most popular gun there is. It's a semi-automatic.

It functions just like anybody's deer rifle, although it's a little low in caliber to be effective as a deer rifle. It's just right for hunting coyote.

So that's the kind of weapon that Wesley Clark would declare to be an assault weapon, and it's the kind of weapon that was included in the list of guns that were described by this administration, including the Secretary of State herself, that 90 percent of the guns used to commit violence in Mexico are smuggled in from the United States, come from the United States.

That was never a truthful number. It was never an accurate number. The number is actually not 90 percent, but much closer to 17 percent, of the guns used in crimes in Mexico are smuggled into Mexico from the United States.

Most of these guns are legal in the United States. Mexico has different laws.

So, we can't hardly outlaw guns in America by following a Mexican law. We have got to defend the Constitution, the Second Amendment, the right to keep and bear arms.

The Heller decision, which I would have preferred would have been broader, gives an individual a right to personal protection, not to be denied in an effective fashion by a local jurisdiction.

But 17 percent, not 90 percent of the illegal guns, of the guns used in Mexico came from the United States. The 90 percent number came from an evaluation of running a database off of a small segment of guns that were gathered up and confiscated that had been involved, at least picked up with, some people that were committing crimes.

And because in the United States we put a serial number on guns, then you can track those guns.

But a lot of the guns that are in Mexico don't have serial numbers. They came from other countries and other continents from around the globe, can't be traced.

□ 1930

So if you take the universe of the guns that have been gathered up in this battle with the drug cartels and you take a look at them, of those that you

could trace, a small unit—90 percent came from the United States—but of all the guns, about 17 percent did.

My point is, Madam Speaker, that American guns are not the major problem that Mexico has. The major problem Mexico has is the violent drug cartels' vicious attacks on their competitors and the law enforcement in Mexico and spilling over into the United States. And that violence is rooted in the extremely high profitability of selling drugs to the United States.

The source of that is the demand here in the United States. We're doing nothing about the demand for illegal drugs. We're doing something about the smuggling of illegal drugs into the United States, very little about the smuggling of illegal people into the United States.

And I will say today, Madam Speaker, that effectively this administration has suspended worksite enforcement and there has not been a high-profile illegal immigration rate on an employer in the United States since that one in the early part of the Obama administration that took place on the engine factory in Washington State.

When that happened, the Secretary of Homeland Security said she didn't know about it in advance. She ordered an investigation—an investigation of her own people—because she was concerned that they might be not following through with the right kind of investigation.

I actually have no idea. I just don't think she liked the idea of the raid going off and people being deported. And I'm told—and I think this information is accurate—that at least 28 of those illegal employees got work permits to go back to work in the same factory, and that work permit was directed or issued by the Department of Homeland Security.

So what was that raid worth? Perhaps we will get some prosecution of the employers. But I say this, Madam Speaker, to you for everyone in America to hear. You can not conduct raids on employers, prosecute employers, and do so effectively, punish them for knowingly and willfully hiring illegals, without identifying the people it is that are working illegally for the employer. That part of the raid is essential in building the case against the employers.

They're all part and parcel of the same problem. You have to start at the base of it. And let's just say that there are 1,000 people working in a factory and 350 of them are working there illegally. Can you go in and pick up the employers and allege that they have illegal employees without some information, without some proof, without some data?

You go in and you line up the employees and you run them through the check and you verify, You're illegal, you're illegal. Fine. We're going to let you go back to work. But those of you that we suspect or essentially confirm, we're not. We'll build a case against

you. If you want to voluntarily go back home, here's your ticket. Go back home and stay there. But don't come back here again because you'll be facing a 20-year penalty in a Federal penitentiary for having once been deported for coming into the United States illegally. But it happens every day because we're not enforcing the law effectively enough, Madam Speaker.

But of those that we would gather in to that kind of a roundup, those that are here illegally, working illegally, that are guilty of document fraud, also bring the case against them, and in the process of the case, you gather information, you get depositions, you get court testimony that tells you how an employer is complicit in hiring illegals.

And then, Madam Speaker, we need to pass the new IDEA Act. The new IDEA Act. This is actually the best part of the entire hour because it brings to bear a logical approach to a problem that has been befuddling Congress for a long time. Congress is only befuddled because we have conflicting interests—political power over here; more illegals that one day will be voters, but will be counted in the 2010 census anyway; and over on this side and on this side, those that have a vested interest in cheap labor that think they can lay the costs or the maintenance off that cheap labor off onto the taxpayers in the form of welfare that goes to those people that are here illegally. All of that goes on, Madam Speaker. But the real solution, the most important component, the real solution is the new IDEA Act.

The new IDEA does this. It reestablishes, it clarifies that wages and benefits paid to illegals are not deductible for Federal income tax purposes. It denies that write-off as a business expense. It allows the IRS to come in and take the Social Security numbers that are there on the form that you file with your income tax, run those Social Security numbers through the E-Verify program. If they don't come back than that's the person who can lawfully work in the United States, then the IRS can deny the write-off of that business expense.

And so let's just say you're an employer and you're paying an illegal \$10 an hour. And if they work 2,000 hours a year—and these are numbers I can do the math in my head, maybe, as we go.

So you have paid them \$20,000 to do their work, written it off, and your payroll calculation—Social Security, Medicare, Medicaid, 0765 times 2, 15.3 percent added on that, so that's \$306 on \$1,000 would be—I should actually back this number up.

In any case, you pay Social Security and Medicare and Medicaid. There may or not be withholding for State and Federal income tax. But that write-off that you would have for the business expense would be the \$10 an hour, plus the 15.3 percent of that \$10 an hour. So that's \$1.53 an hour that goes on for Social Security, Medicare, and Medicaid.

You can write that all off as a business expense.

But when the IRS comes in, runs the numbers through the data base and the E-Verify kicks them out and says, "Can't accept that," then they can look at your income tax report and say you can't write off this \$10 an hour plus another \$1.53 for Social Security.

So your \$11.53 an hour goes from the expense side of your ledger, where it's a tax deduction, presumably over to the profit side of your ledger, where it is taxable income.

So, in simple terms, a \$10 an hour employee denied as an expense by an IRS audit because they are illegal becomes a \$16 an hour employee when the IRS attaches to that the interest and the penalty, and by the time you pay about a 34 percent corporate income tax on that fund.

So an employer would make a rational decision. They would look at: do I want to pay \$10 an hour with an illegal employee that I'm confident is illegal, or I at least strongly suspect is, on the chance the IRS will come in and it's going to be a \$16 an hour back charge for him and the rest of the illegals that are working for me, or do I want to transition my employees over to a legal workforce?

Most employers would decide they would like to pay somebody \$12 or \$13 or \$14 an hour who is legal than they would someone \$10 an hour who is illegal.

That's how new IDEA works. It uses the IRS to come in and enforce the illegal immigration laws that we have in the United States, and it requires the IRS to set up a cooperative exchange of information with the data that they gather in their audits with the Social Security Administration, who has a whole list of no-work Social Security numbers, no-match Social Security numbers, and require those two entities, IRS and Social Security, to cooperate with the Department of Homeland Security, who also has a data base of those who come into the United States illegally, those who have stolen IDs and documents, et cetera.

So we would have not only—you always hear the right hand doesn't know what the left hand is doing, but when we put new IDEA in place, it will be the right hand of the IRS making sure that the left hand of the Social Security Administration knows what the middle hand of the Department of Homeland Security is doing. That's a three-way; that's a three-fer.

And that brings together three huge American agencies that would be working in cooperation to give a financial incentive through denying tax deductibility, interest penalty, the risk of the penalties that come from the Department of Homeland Security once they have been notified of the IRS's information.

So the risk gets greater and greater and greater. And employers would purge themselves. They would clean up their workplace roles. We would do this

almost administratively, and we could do this with positive cash flow.

Furthermore, Madam Speaker, if we do this, as we see people volunteer to self-deport because we've enforced our laws, we will have taken at least the 7 million working illegals and moved them on out and made room for 7 million who are legal to work in the United States.

There are over 11 million looking for jobs today. I think the number of working illegals is greater than 7 million. I think it's greater than 11 million. But a Nation that has 11.5 million people that are looking for work, a Nation that has 69 million Americans that are simply not in the workforce altogether, that are of working age, we can find a way to solve this problem.

We have to have the determination, we have to have the leadership, we have to have the clarity, and we have to have the political will. And the only way for the political will to come to this Congress is if the American people contact their Members of Congress; they turn up the heat. If they say, "Pass the new IDEA Act, turn the IRS loose." They love enforcing their job. Let them help with the immigration part of this because they're in the process of collecting the tax liabilities that are due the United States government anyway, and just cooperate with the Social Security Administration, just cooperate with the Department of Homeland Security. You will solve a lot of this internally without having to do very many of the worksite raids.

And, while that's going on, we can turn the pivot back the other way at the border. Let's intercept the illegal drugs and people coming into the United States. Let's not have our number one focus be trying to intercept things that are being smuggled into Mexico that are legally in the United States—guns and cash. Let's intercept illegal drugs and illegal people.

If we do all of this, Madam Speaker, we can solve this drug problem in the United States. We can solve the illegal immigration problem in the United States. It is a comprehensive solution. I advocate for it.

I call upon this Congress to take action on it, or at least have a legitimate debate. If there's a flaw in my logic, I'm standing here waiting for that criticism. I don't hear it.

So I will yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CAPPS (at the request of Mr. HOYER) for today on account of fires burning in district.

Mr. HOLT (at the request of Mr. HOYER) for today.

Mr. HELLER (at the request of Mr. BOEHNER) for today on account of family obligations.