

What has not been flat? Nonrevolving credit card debt has been going down here all the way up here to the 110th. Revolving credit: also setting a trend upward. Home equity loans: going up. Mortgages: going up. The difference between this line and these up here explains why Americans have gotten in such difficult dire straits. Now is the time to start fixing it.

We see two things happening that are very important for the American consumer. On the one hand, we see financial regulation. On the other hand, we see the American Economic Recovery and Reinvestment Act put into our economy to reinvest in infrastructure, to invest in innovation, to invest in health care, to invest in a renewable economy so that we can actually increase demand, increase jobs, increase tax revenues, and get ourselves out of the deficit. We see ourselves plugging the holes that these credit card companies and other debt instruments have created for the American consumer.

Help is not only on the way; help has arrived. You see responsible legislation coming forward so that the American consumer and the American economy can fly high, once again, as it has in the past. Consumer justice is what we need. Consumer justice is what we're getting.

Madam Speaker, it has been an honor to come before you.

A PERFECT STORM

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 as the designee of the minority leader.

Mr. KING of Iowa. Thank you, Madam Speaker. I appreciate the privilege to address you here on the floor of the House of Representatives.

As often happens, if I come down to this floor for the purposes of addressing you in this Special Order hour, I find myself following the gentleman from Minnesota, who was here with his posters up, advocating the Web site of the Progressive Caucus and advocating for things that I just simply disagree with. I went over and looked at the charts because I was trying to understand what kind of insight was being conveyed, Madam Speaker. I know he was addressing you, but you couldn't see the charts, so I'll describe to you what I saw.

I saw the chart that showed the subprime loans that started in about 1995. It grew. Then the numbers of subprime loans diminished in about the year 2000, at about the time that George W. Bush was elected President. Then they increased again substantially throughout that period of time until such time as there was an abrupt end to the chart, which was the beginning of the Obama administration. So I guess we don't know the trend since President Obama has been elected, but here is what I also hear:

I hear criticism of the past administration, criticism of the past majority,

in other words, criticism of Republicans because subprime loans went up during that period of time. I hear defense of the Community Reinvestment Act because the Community Reinvestment Act apparently, one could conclude, was properly crafted legislation that brought about a good result. There might have been an even better result, if I'm hearing the gentleman from Minnesota correctly, if it hadn't been for Republicans in the way of administering this in a fashion that would have been different and that would have been done if we would have had, say, President Gore rather than President Bush and now, of course, President Obama.

The Community Reinvestment Act was something that was put in place so that there could be more loans that went to minorities, especially in the inner city, and it recognized that there were lenders that would draw a red line around some of those districts in the inner cities because they saw that crime rates were going up and that property values were going down, which was in inverse proportion to the crime rates. As the inner cities began to devolve, the lenders understood that it wasn't a good place to put their money, so the Community Reinvestment Act was passed in 1978 to provide an incentive for lenders to loan into those inner cities because they wanted to get away from the redlining that was being done.

I think it was done with the right motivation, but what you saw were the results of the Community Reinvestment Act—those results on the chart, Madam Speaker.

In fact, what you didn't see was the result on the chart that showed an increased number of subprime loans, and the subprime loans that were increasing were in response, in significant part, to the Community Reinvestment Act, which compelled lenders to make bad loans in bad neighborhoods. So they devised this method of subprime loans that they could get so they could get more bad loans into these bad neighborhoods in order to comply with the Community Reinvestment Act so that they could take some of the profits from other places and invest and expand their operations. They couldn't expand. They couldn't meet the regulation requirements of the Federal Government unless they complied with the Community Reinvestment Act, and so they made bad loans in bad neighborhoods, and they created the subprime loan market, at least in part, to comply with the Community Reinvestment Act.

The President, President Bush, came to this floor, Madam Speaker, where you're sitting—in fact, in front of where you're seated right now. President Bush addressed this Nation in his State of the Union Address. This would have been January 28, 2003. He said that we had the highest percentage of homeownership in history, that we had 68 percent homeownership in the

United States of America. Democrats cheered, stood and cheered. Republicans stood and cheered, because we wanted people to own their own homes. Everybody wanted that to happen. It was being led by Republicans, but it was in reaction to a Democrat law called the Community Reinvestment Act, which put bad loans into bad neighborhoods so lenders could expand in other neighborhoods and could expand their operations.

The Community Reinvestment Act was inspired, I think appropriately, but it was bad law because it didn't hold collateral underneath the loans that were being made. It encouraged bad loans.

We heard a Member of Congress on the floor last night say that she was part of ACORN when they went into bankers' offices to intimidate the lenders so that they would make more bad loans in more bad neighborhoods, driving up the subprime chart you saw from the gentleman of Minnesota, and building a rotten foundation underneath our financial structure in America. When it began to crumble and collapse, we saw the downward spiral in all of our markets, not just in America but in the world, because we didn't have our finances built on a sound foundation.

You can't make bad loans in bad neighborhoods with little or no down and with collateral that is diminishing in value and, by the way, without a fixed interest rate, with a floating interest rate that is going to go up over time.

We know that Alan Greenspan saw the bursting of the dot-com bubble, and he decided he would try to shore up that hole created by the bursting of the dot-com bubble by creating a housing boom, a housing market that would lift this economy. He did that with unnaturally low interest rates. That was built into the Community Reinvestment Act. Then there was the intimidation that was going on by ACORN that was, in significant part, funded by the American people's tax dollars. They would go into a bank or into a loan banker's office—let's just say the south side of Chicago. I don't know why I think of that, but I do. They would march in there with a group of people from the neighborhood, shove the banker's desk out of the way and begin getting in the face of the banker and intimidating him into making loans to people who don't have the means to pay them back. Then they have the audacity to come here to the floor of the House of Representatives and blame this all on Republicans. The Community Reinvestment Act was a Democrat bill.

□ 1715

It was sought to be adhered to, not just to the letter of the law but the intent of the law, by the lenders who made some bad loans. And yes, there was greed involved and there was some mindset that existed there which was

the lenders would just keep doing what everyone else did, understanding that if they did that, everybody would be making or nobody would be making money. So if they're making money, then each participant would be making money. Also understanding that if things fall apart and blow up, these big lenders would be bailed out along with the other big lenders, that mindset existed.

This was a perfect storm, a perfect calamity, a chain reaction of the disasters that took place, rooted in 1978 in the Community Reinvestment Act. It was built within the Fannie Mae and Freddie Mac, which were undercapitalized and underregulated and the chairman of the Financial Services Committee resisting every effort to try to regulate and capitalize Fannie and Freddie.

And while that's going on, the bursting of the dot-com bubble, the shoring up of a housing boom with low interest rates, subprime loan mortgages, bankers that saw an opportunity to use those mortgages to increase their portfolios with the subprime loans that were bad loans into bad neighborhoods to satisfy the Community Reinvestment Act. And all of this going up to the point where we had bundled mortgage-backed securities that were guaranteed by AIG, which set premium rates on it with no one able to look over their shoulder. They had such a large market share, there wasn't competition, and they set the risk without oversight.

This built into mark-to-market accounting, and add to that, the credit default swaps which were part of all of this, and bundles of mortgage-backed securities that start out with a loan in your local bank or your local savings and loan that would then be sold off into the secondary market, perhaps picked up by Fannie Mae or Freddie Mac, who would then bundle it up into a bundle of like secondary-market mortgages and sell that into the marketplace on up to the investment brokers or investment bankers on Wall Street, who would take that thing and slice and dice it and tranche it, they say, and bundle them up in different packages.

What was going on with these mortgage-backed securities was the equivalent of if you have ever been to a farm sale or a yard sale, a house sale where they put the hayrack out there and the auctioneer begins to sell these things off that people don't really want very much. So he will put a washtub out there on the hayrack, and nobody will bid on it, and then he will throw in a hammer and crowbar and some old pictures and some nuts and bolts, and pretty soon somebody will bid on it because there is one thing in there that they want and then he'll sell that to them. And then that washtub goes back to the garage of the buyer. He sorts that out, and he's already bought several others at other sales, and then he will sort out and he will take all of

the hammers and take them and sell them at a sale where it brings a better price for hammers. And then he'll sell the crowbars at that kind of sale and the garden rakes at a different sale, maybe.

But in the end, slice, dice, tranche, shuffle, cut, deal these mortgage-backed securities up through the financial chain—so many times that nobody knows not necessarily where they originated but how they actually got all the way to the other end of this chain—evaluated not on the value of the real estate, which is the underlying collateral, but evaluated by the premium that you had to pay to AIG to ensure that these loans would perform. All of this into a financial market system that was the underpinnings of what should have been the actual asset value of the mortgage-backed securities, not the performance of them, in my view.

So, we have a lot of things we need to fix in this Congress. But this Congress is so busy shifting blame that we cannot get to the solutions that we need to have at hand. We need to repeal the Community Reinvestment Act. We need to capitalize and regulate Fannie Mae and Freddie Mac equivalent with other lending institutions, and we need to privatize them eventually. We need to end mark-to-market accounting. That's the kind of accounting where if you have an asset value on your balance sheet today and you're required to post that value, you have to go out to determine what is the actual bid for that today.

And so a bundle of mortgage-backed securities, for example, would have a rating, a rating to them, say AAA, and there would be a certain bid. So you would have to adjust your balance sheet to what those bids are. And now if there happened to be no bids, you might go from \$60 million down to zero, effectively, overnight.

I would compare it to—let's just say if you had your grain bins full of corn and corn was worth \$4 a bushel, you would multiply 10,000 bushels, for example, by \$4 a bushel, and you end up with \$40,000 worth of corn. You put that on your balance sheet. Now, that's fine. It's legitimate, and I would nod my head in agreement. But what if a big flood comes along, washes out all of the bridges and there are no trucks running, no rail lines running, nobody is transferring, shifting any grain? All of a sudden, this grain that's in the bin that has value, you have to evaluate it at zero.

That next day along came the flood, your \$40,000 worth of corn goes to zero. You know, you put that in your balance sheet and you go to your banker and say, I want to borrow \$30,000 to put my crop in. Sorry. There are no bids on corn. You don't have any asset value here. So if you don't have any other assets, we aren't going to loan you any money. That's how that works.

So the bankers come into the lending institutions, and they will say, Give

me a look at the collateral that's there. And if this collateral is mortgage-backed securities, commercial paper, or there are no bids on it or the bids are dramatically down because the instability takes away the marketplace, then it gets marked down and the bank has to go out and recapitalize, get their capital level up. That means they have to call some loans. That means they have to quit giving some loans that they might be giving to some really effective entrepreneurs that have a real opportunity, and our economy begins to shrink.

All of these things flowed out of this not because George Bush was President, not because Republicans had the majority in the House of Representatives and the Senate for a time. It flowed because we had, from a long time back in our history, back to 1978, had a series of mistakes, one stacked on top of another that set up this scenario for this perfect storm. And we're not able to even identify that or hold a legitimate hearing in this Congress that can shine some light on what has happened so that we can start to fix the problem.

No, we're into growing government. We're into a lurch to the left that every time we have a financial problem with an institution, what happened? The President of the United States steps in and takes a step to nationalize the private sector businesses which are the mother's milk of our economy.

Private sector is the goose that lays the golden egg, and when government competes with it, it starves that goose and she can't lay those eggs like she did before and, eventually, she will stop laying eggs altogether.

But the nationalization of General Motors and the nationalization of Chrysler—it was Daimler Chrysler. They got out of it. They dropped a few billion dollars and stepped away. And now we have the President of the United States who came out on a specific day, I think—I don't clearly remember that exact day, late March—March 26th would be my guess, and he took credit for nationalizing General Motors, firing the CEO, hiring a new CEO. That means the White House is managing General Motors. And he took credit for directing that Chrysler merge with Fiat, the Italian company, and that they would now be compelled to make automobiles, at the direction of the President, that got a certain mileage and they were energy-efficient vehicles, whether anybody wants them or not.

Now, Madam Speaker, I can go back and look at the parking lot at my church, and I happened to take a little note. It was Palm Sunday, I noticed. It was hard to find a car in that church that would meet the satisfaction of Speaker PELOSI or President Obama—I am not sure what HARRY REID thinks—because we couldn't have gotten to church on a two-wheel drive vehicle that day. I would have to have—mass transit means something different

where I come from. You'd have to come home and set up some transit to get me to mass if I didn't have a four-wheel vehicle to get me through the snow on Palm Sunday. That's the place I live. That's the way my neighbors are.

But this idea that the President of the United States can nationalize major corporations—what is a more American business than General Motors, Chrysler Motors? I guess Ford is more American today because they said, Don't give me the money. I don't want to have strings attached. We think we can run this business without government intervention, without the government bailing us out.

And what we saw happen was a President Obama that went down to the Central American conference—and I was looking for him to join up with President Uribe of Colombia. We have an important free trade agreement that we've negotiated in good faith with Colombia that not only is it important for our trade to be able to export to Colombia and cash their checks and bring the money back here to help our balance of trade and allow them to trade back to us, yes, but it's important from a national security perspective. It's important for the security of the Western Hemisphere.

The FARC rebels down in Colombia, the Marxist rebels that are in Colombia, President Uribe has been fighting them, and he's been defeating them; and he's been fighting the drug smugglers and the drug cartels, and he's been defeating them. We need a President of the United States that would go down there and do a big glad-handed grin with President Uribe and say, We've negotiated this bipartisan—it actually is bipartisan—bilateral free trade agreement with you, and I want it brought to the floor of the House of Representatives and the U.S. Senate for a vote in accordance with keeping our word of honor in the best interest of the United States, Colombia, and the Western Hemisphere.

I saw no photo-op of any meeting that took place with President Uribe. I just saw the video and the photos that took place with the glad-handed gripping handshake—somebody said a fist bump. I didn't actually see that, but the two grinning leaders side by side. And the image that I saw was this:

Chavez went to the United States a year ago and called our President of the United States El Diablo, the devil, and he said there is a stench of sulfur here that lingers from his speech yesterday. The most vile insult I can ever remember on an international stage. And what do we see within the first 100 days of President Obama's administration is a big, glad-handed, grinning handshake with an extra hand up on the arm to really reestablish this—apparently a happy get-together that I don't know if it was planned by staff or it was spontaneous.

But it says two things very loudly to me, Madam Speaker. One of them is there is no penalty for challenging the

United States and insulting the biggest funder of the United Nations. We pay way more into the United Nations than anybody else to support the Security Council, to support the United Nations, and what do we get out of the United Nations? Just insulting resolutions that attack the United States and/or Israel. That's what we get out of the United Nations. We host them here. And instead, it's a constant drumbeat of insults against the free people in the world, the leader of the free people in the world, capped off by Hugo Chavez's vile insult against the United States of America and our Commander in Chief and the leader of the free world. And our new President goes down to do a glad-handed handshake so all of the world can see there is no penalty for that kind of a vile insult against the United States of America. That's the first message that comes out.

The second one is this other message, these two leaders of their own sovereign countries, within less than 30 days of each other and just last month, nationalized major businesses within their own countries. President Obama nationalized General Motors and Chrysler and Hugo Chavez nationalized a rice processing plant that belonged to an important Minnesota company, Cargill, Cargill Company. The gentleman from Minnesota who just spoke doesn't seem to have an ounce of heartburn about the nationalization about a proud and important Minnesota company, Cargill. Chavez just went in and said, I own this now. This is my ground. I will run it the way I see fit because I am not happy with the way you run your operation. If you try anything else that's out of line, I'll take care of any other property you may have in Venezuela.

Well, I have got an answer for Hugo Chavez, Madam Speaker, and it's this: We produce enough ethanol from corn in America today to completely replace any of the energy that's coming from Venezuela.

□ 1730

We can replace it all just with the ethanol we produce from corn.

So we don't need Hugo Chavez. And I don't need his gas stations in this country, and I don't need his leering grin coming out of my television. He is a self-evolved Marxist, a hater of the United States, and someone who is building relations—not just diplomatic or political, but military activities and operations with the Russian Navy and our own Caribbean designed to send a message to the rest of the hemisphere; Hugo Chavez is a troublemaker.

And what does our President say about that? He says, well, the national military budget of Venezuela is only one-six hundredth of what ours is, so it really isn't a threat. Is that what you measure? Do you measure the money that they are spending today on military, or do you measure what this means when it sends inspiration to FARC, the Marxist revolutionaries—

the Marxist rebels is what they are—in Colombia that undermines Uribe, who believes in freedom and free enterprise and a rule of law, our sound partner—that we can't even get a vote on the floor of the House of Representatives to ratify a free trade agreement that was negotiated in good faith by our U.S. Trade Representative, under the direction of President Bush, with a legal obligation to have that vote within 90 days of it being presented to this Congress. No, even the rule of law, even that commitment was defied by order of the Speaker with a convoluted rules vote that undermined the very law that was in the books, the good-faith provisions.

So, Madam Speaker, we have a whole series of different concepts here that I think need to be debated, and I brought out some of them. But when the gentleman from Minnesota talked about his reverence for ACORN, his reverence for La Raza, that also comes with the Congressional Black Caucus, the Hispanic Caucus, a whole list of separatist groups here that exclude Members from their list. There are a whole lot of Members of Congress that can't walk into either one of those caucuses I mentioned; they wouldn't be accepted in there. They can't be members because they don't have the right race. And they get a pass. And I just say, let's treat everybody equally. Let's just recognize we're all God's children, we're created in His image. And He has seen fit to bless us with characteristics so we can tell each other apart. Why do we fight that? Why don't we just accept that and recognize it and be grateful that he has a wisdom that maybe we don't see as well as we should.

But, instead, we have a legislative effort that is determined to divide Americans and pit Americans against Americans. Why, majority party, why does the President of the United States, Madam Speaker, why are they determined to divide us? I would like to know the answer to that question. Don't divide us; unite us. Unite us by eliminating these classifications of race, sexual orientation, gender, skin color. Let's look at everybody as an individual intrinsic in their sacred value as a human being. And if we do that, we can continue to move down the path of the things that actually do unite us, like establishing English as the official language of the United States, a common form of communications currency that would bind us together.

The things that bind our culture together are important components. What is it about being an American that makes us unique? What is it that makes it common for us to be Americans? What do we have in common? What are these characters, Madam Speaker? And I will submit this: we, for the most part, do speak a common language. You can pick up a newspaper most anywhere in America, open it up and read it and be able to understand it. You can walk into a city council meeting most anywhere in America

and conduct that business in English so that you understand what's going on there. You can travel across the breadth of this land and find Americans that get that feeling in their stomach and in their heart and a tear in their eye when they see the Flag come down the street in a parade on Memorial Day or at the cemetery or in the parade on the 4th of July. Americans bound together by a common history, common experience, having pulled together. Americans that were pulled together when we saw the attack on this country on September 11 in New York, Pennsylvania, and the Pentagon. Those attacks bound us together.

I know about the divisions in America; I hear them here every day, the debates we have against each other, the parochial differences that come up—urban versus rural, North versus South, right versus left. All of the divisions that are economic interests—manufacturing States versus the intellectual property States versus the ag States, cotton versus corn in the Ag Committee. These things go on constantly. And yet, when this country was attacked on September 11, I remember seeing the devastation. I remember watching the buildings tumble down, the flaming buildings go down and the dust go up. And as I watched that, a sick thing came through my heart. And I watched Americans in the Midwest transfixed in front of the television at the Clay County Fair, to have 70 and 90 people standing in front of the television at one of the displays, it went on all day long, just a constant rotating dirge. It was like being at a wake, the sadness and the mourning and the prayers that went up for the victims and their families all across this country.

In our schools, prayer came to the public schools September 11, 2001. And no one objected on that day. Many of our public schools gathered together, filled their auditoriums, brought their pastors in, stood all of the students and the parents that came together and they joined hands and they prayed together and they read Bible verses together in an ecumenical expression of faith and unity and hope and prayer for the victims and for this country. All that was fine when we were under the stress load of being at war and of the attack that came our way.

I remember, also, a picture of a young black man who was standing on a street and the smoke was rolling down the street. And as he stood there, his face was covered with dust, but one tear washed his cheek from gray to black, and that tear said more about the unity of this country than any image that I have seen in association with September 11. It sticks in my mind what kind of a Nation we are.

But I also knew, as the discussion about how many people had lost their lives, in those Twin Towers in particular, the numbers went up, estimations from 10,000 to 15,000 to 20,000—

20,000 was the highest number I heard. And I can remember as the estimate went down, and as each time the estimate went down from 20,000 it was with a sense of relief that it wasn't as bad as it might have been, it wasn't quite as bad as we thought it could have been. And as those numbers went down and they approached that 3,000 number—which is the one we use today that I think is pretty close to the numbers of people we lost that day—I remember the relief that I was feeling as the numbers went down, while at the same time I knew that the lower the numbers were, the sooner we would forget about this attack on Americans on our soil, and it would be in inverse proportion.

If that number had gone down to zero, if it had just destroyed the buildings and no one had been killed, I would submit, Madam Speaker, that we wouldn't have had these wars that we're in. This would have been a law enforcement practice a long time ago instead of a war against these radical jihadists. But we lost more people on September 11 than we did in Pearl Harbor. And the attack was on the continental United States in a domestic facility rather than—at that time not yet a State—the great State of Hawaii and the attack mostly on a military base in Pearl Harbor.

And so immediately afterwards I heard from Members of Congress and leaders, thought leaders, it was, what did we do that caused them to hate us so much that they would attack us? And part of this Nation went into this introspective mode of trying to figure out what we might have done wrong because, after all, part of the guilty Americans—which usually come from this side of the aisle—are always looking for a way that it's the fault of the people on this side of the aisle, like subprime loans are President Bush's fault somehow, or Republicans' fault, and somehow we should not have done the things that caused them to hate us enough that they attacked us on September 11.

I went off to those weekend séances with bipartisan Members of Congress—I point out that I call them weekend séances facetiously, Madam Speaker. But I sat for 3 days on end in rooms with other Members of Congress that constantly asked the question, What did we do wrong? What did we do wrong? How are we ever going to get ourselves to where they don't hate us anymore so they quit attacking us? And what are we going to do if people are willing to die when they attack us?

Well, in the first place, it's not our responsibility to know what causes a person to be so deranged that they would fly planes into buildings just to kill people because of the success that we have. They hate our freedom. They hate the success of our free enterprise capitalism. They must have burned some subprime mortgages on that day—maybe that's a measure of happiness for the people who think they are

naturally bad. But it is not our responsibility.

We had a series of Middle Eastern experts in the room, and they had been talking for several days. And I finally posed this question, and it was this: Of that culture—and I hesitate to call it a civilization—of that culture, what has been their contribution in the area of math, science, medicine, or chemistry in the last 700 years? Can you give me a single contribution that that civilization has made in the last 700 years? And of all the experts we had there, not one could come up with an answer because the improvements in civilization have come from outside that type of a culture.

We have a culture here that is grounded in the things that grow us and make us good. We are rooted in the rights that are in the Bill of Rights and natural law and free enterprise capitalism and property rights and the entrepreneurial spirit and the vigor that comes from the donor civilizations that have sent immigrants to America from the first day. We have had that vigor of the people that had a dream, and they were willing to take a risk and go across an ocean to come here to build a dream on this continent. That is unique about America. They hate that. They haven't seen that level of success. And so they just simply say, we want to kill you unless you will kneel before us and accept our God and reject your own.

It is not my job to know what is going on in their heads. We can try to understand it so we understand our enemy better, but we are not going to accommodate to that kind of thinking, Madam Speaker. We need to challenge it, we need to defeat it wherever it exists, and in fact we've done so in Iraq.

In Iraq, we have reached a definable victory in Iraq, and I have introduced a resolution that says so. And it has its purpose. But the reason that I will say that we reached a definable victory, the list of reasons come along this way: that ethnosectarian deaths, from our high, have dropped 98 percent, civilian deaths have dropped 90 percent in Iraq. We had three successful elections, one constitution that has been ratified in Iraq. The distribution of the oil revenue has been, in a fairly reasonable process, has distributed that revenue from Baghdad out to the other cities.

The mayor of Fallujah has declared it to be a city of peace. The mayor of Ramadi sounds like the mayor of Peoria: "I need more money for sewer water, lights and streets." The mayor of Fallujah said it is a city of peace. They are going to repair every sign of war in Fallujah and plant a lot of flowers instead so that one day soon when we go to Fallujah there will be no sign of war.

All of those things are good signs that this war has gone to the point where we have achieved a definable victory. But the most important statistic is, from June 30 of last year until the last report that I received some days

ago, the loss of American lives in Iraq has been equal to or less for those Americans lost in accidents than we have to the enemy. That tells you when a war is going the right direction.

Those statistics tell us the right things. They don't give comfort to the families who lost a son or a daughter there. They deserve our constant prayers and respect and appreciation for their noble service and their noble sacrifice. But George Bush ordered the surge. Had he not done that, we would be looking at having already pulled our troops out of Iraq and chaos would have ensued, and there would be a defeat in Iraq. And you cannot retreat and declare it victory; you must own the land you fought for before you can declare victory.

And so the ideas that came from some of the people, like the gentleman from Pennsylvania that said it is a war that can't be won, it's a civil war, we have got to get out of there, we've got to retreat to the horizon—we find out the horizon was Okinawa, which takes me back to the courage that this Nation needs to have to face the enemies that we have, and the fear that we had because four planes were crashed into the United States and we didn't know how to fight these people that were willing to die to kill us. Well, Okinawa tells us how.

I went to a National Convention of Survivors of Okinawa a few years ago. They faced 4,600 Kamikaze attacks on the fleet, on their land forces around and on Okinawa. It was a massive suicidal effort to try to wipe out our American forces and a last ditch stand to stop the efforts of the American invasion of Okinawa; 4,600 Kamikaze attacks, and we are worried about four.

We think we don't have the steel within us, the mettle within us, the conviction within us to face off against people like we have today, when you think of what happened in World War II, two-front war, global, 16 million men and women in uniform and in arms and an industrial base that supplied the world because the Second World War destroyed the rest of it.

□ 1745

We are a Nation that became the world power and one of the two competing superpowers until the end of the Cold War, which resulted in one lone superpower, the unchallenged greatest nation in the world economically, militarily, socially, cultural, the beacon for freedom, the inspiration for the free people of the United Kingdom from which originated the English language, which binds us together, and the inspiration for freedom that goes with that language wherever it goes around the globe.

When I read Winston Churchill's *History of the English-Speaking Peoples*, I finally closed that book and I thought of all the places the English language has gone, it's been accompanied by freedom. Freedom has followed. It's gone with the English language. There

is an inspiration that's built into the culture that makes us the vanguards, the defenders, the beacons for freedom. We have that responsibility, Madam Speaker, and it's a responsibility to stand up to the tyrants of the world, whether they be Osama bin Laden, Hugo Chavez, Ahmadinejad. Anybody that undermines freedom is our enemy. And anybody that adheres to and loves and works for and sacrifices for freedom, we adhere to them. The free people of the world need to stand together.

I had a lunch with the Japanese, some members of their Parliament, today. And I said to them that the peace and the security of Asia will depend significantly upon our ability to be friends together today, but peace is not achievable unless we have freedom, and we must defend our freedom.

And then bringing us back to the issues that have been before us here in this Congress this week and last week, there has been an effort to undermine the freedoms of the American people. We're losing track of those underpinnings, those pillars of American exceptionalism. The majority that's here that seems to want to spend their time criticizing the past President, criticizing the past majority in the House of Representatives, and criticizing the past majority in the United States Senate, the people that just can't let go of their rooted criticism for Republicans, the people that can't move on, that must be drilling down and blame shifting back onto our side of this aisle, have lost touch with the fundamental values of human beings. They've lost touch with the criminal law, the criminal law that flows from English common law, the traditions that were there. Criminal law rooted in, if it's the king's deer and you kill the deer, you've committed a crime against the Crown. And if anyone ever is a victim of a crime and they go to court to support as a witness or to observe the proceedings that take place in a criminal prosecution, they will hear the clerk or the bailiff announce this is the case of the State versus John Doe, the alleged perpetrator. They don't say anything about the victim. They don't say that Mary Jones, the victim of this crime, is involved in it. They say that this case is the State versus John Doe, alleged perpetrator. That's because the crime is presumed to be committed against the State, not against an individual victim, rooted back from if you take the king's deer, you've committed a crime against the Crown. If you kill one of the subjects of the king, you've killed one of his assets that he would be deprived of the labor of the subject; so when the king gets his version of justice, the actual victim of the crime is not in the equation anymore. It's the State versus rather than the king versus the perpetrator of the crime.

Now, that's one of the fundamentals, but it always was punishment for the criminal based upon the overt act of the criminal, the action itself. Not the

thought, not what went on, not the motivation, but the very act. If you assault someone, we punish you for assault, assault and battery. If you attempt to murder someone, we punish you for the attempted murder. If you murder someone, we punish you for the murder itself, not for the murderous thought that might have preceded the murder. And if you rape someone, we punish you for the rape, not for the motivation or the thought. Now, it might come into a sentencing hearing, but it's not part of the crime, until this House of Representatives, in a breath-taking leap away from hundreds and hundreds of years of criminal law, leaps into this arena to declare that there actually are thought crimes that should be punished separate from the act itself. Now, they call it "hate crimes" and they call it Matthew Shepard's law and they call it a lot of other things, but it's thought crimes, Madam Speaker.

Someplace in here I have the text of the book *Nineteen Eighty-Four*, written by George Orwell. Orwell wrote this book in 1949, and he made a prediction that there would be thought crime control taking place in the world by 1984. Now, we are here in 2009; so he was a little bit ahead of himself in the thought crimes prediction arena. But he said, and I'm going to just paraphrase, Madam Speaker, that we don't care about any overt act; we care about the thought. It's the thought that counts, because if you can control the thought, you can control the act.

Now I do find it here, Madam Speaker, and here it is verbatim from the book *Nineteen Eighty-Four*. This is the new totalitarians speaking to Winston: "The party is not interested in the overt act. The thought is all we care about. We do not merely destroy our enemies; we change them. We are not content with negative obedience nor even with the most abject submission. When finally you surrender to us, it must be of your own free will. It is intolerable to us that an erroneous thought should exist anywhere in the world however secret and powerless it may be."

Madam Speaker, that's what this hate crimes/thought crimes legislation does. It controls, it punishes the thought. And now it sets up a special class of protected people and it subverts our language in a way that's not defined, and I had indexed it from the bill. It subverts our language this way: It replaces the word "sex" with the word "gender." And here's why, and I have some history in litigating this. Here's the definition of "sex" from Black's Law. "Sex: The sum of the peculiarities of structure and function that distinguish a male from a female organism." The physiology of male versus the physiology of female. That would be your sex. But the word "sex" has been constantly replaced in this society willfully in a premeditated way by, let me call them, homosexual activists who see the law of this and they

began to push this in this way: They replace the word “sex” with “gender.” And “gender” is used in this hate crimes/thought crimes legislation. And here’s the reason: Gender is ambiguous; sex is specific. Anybody can identify a male from a female. Any plumber or electrician can do that easily. They see the sense in my argument. Some others do not. But sex is specific to the physiology, the physical characteristics. Gender is not so. The definition of “gender,” and I’m in the American Heritage Dictionary now, it might be the condition of being female or male.

It’s odd that they’re so politically correct that they actually willfully switched the male-female to be female first. That’s okay with me, but I just noticed that in our literature these days, too.

“The condition of being female or male sex.” Gender might be that. But right below that it says that “gender is your sexual identity, especially in relation to society or culture.” So if you have a gender that is a sexual identity, doesn’t that include a cross-dresser, someone that goes out on the streets as the identity of a female that may have the physiology of the male? That definition doesn’t fall under “sex.” You don’t have any cross-dressers under “sex.” They are whatever anyone can determine they are by the physiology of being male or female, but now this legislation plugs the word “gender” in.

I tried to replace them, Madam Speaker, but the amendment was voted down exactly by party lines. Now they’re a special protected class of people. You can’t discriminate against anyone because of gender. You may not be able to determine what it is. That’s in the head of the alleged victim.

Then you have gender identity. The definition of “gender identity” gets a little bit broader and a little harder to nail down. But gender identity, the definitions that come along with this become definitions that are either a mental definition or a physical definition or, in some of these cases of the paraphilias, of which there are about 547, it can be the act as well.

But we don’t know from reading this legislation or talking to the people that wrote it what these words really mean. So if you have sexual orientation, gender identity, and gender identity can be a person’s own sense of actual or perceived gender-related characteristics. That sounds a lot like gender to me under that broad, loose definition that’s there. What would be the physical definition of gender identity? Could anybody take a look at someone who said that they are of a specific gender identity and determine if they were that gender identity? No. We can determine their sex independently, but the individual has to characterize their gender identity because that’s a self-perception, and then it may or may not include a particular act.

But when we get to sexual orientation, sexual orientation includes paraphilias that are listed here by the

American Psychological Association. And paraphilias are “a powerful and persistent sexual interest other than typical sexual interest.” There is list of 547 specific paraphilias. I call them proclivities. Many of them are perversions, Madam Speaker. The gentleman from Florida (Mr. HASTINGS) read a whole list of them on the floor in the debate yesterday: asphyxiophilia, apotemnophilia, autogynephilia, kleptophilia, klismaphilia, necrophilia, pedophilia, and we know what that one is—that’s, of course, the sexual activity with children—urophilia. There are some phillias. And the gentleman from Florida said, I think we have to have special protected status from all phillias whatsoever, all proclivities whatsoever. These that are perversions are specifically, at least within some of the idea of the definition of this legislation, protected.

It’s outrageous to think that the amendments to protect the unborn child, the amendments to protect the pregnant mother, the amendments to protect the senior citizens, the amendments to protect our uniformed soldiers from this kind of hate crime against them motivated by what’s in the head of the perpetrator were all voted down in the Judiciary Committee and denied to be debated on the floor of the House of Representatives because we had this draconian closed rule that would not put these Members up and require them to make a decision on whether they were going to protect these proclivities, these paraphilias, these perversions, while we had one Member say, yes, they’re protected in this law. We had one of the strong advocates of this bill say, no, it’s only homosexuals or heterosexuals.

Presumably it’s not bisexuals. Well, I don’t know what happens when you cross the line between heterosexual to homosexual. There must be somebody in the middle that’s a bisexual that she would want to include. But this lack of specificity gets us in trouble, Madam Speaker.

Another thing that gets us in trouble is the statements that are made in the debate in this bill that are just flat erroneous, such as, well, it requires a crime of violence before it will kick in the Federal extra penalty against someone because they’ve committed this hate crime/thought crime. It requires a crime of violence.

Well, it doesn’t, Madam Speaker. It doesn’t require a crime of violence. It does under the imposition of the Federal law but not when we are sending the Department of Justice down to any political subdivision, city, county, or State, municipality, parish, tribal area, to help out with prosecution there. Then we honor whatever they might have written into their local ordinance for hate crimes.

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We use Federal forces to enforce it, and these crimes can be committed against property, specifically in the

bill that can be crimes against property, not just crimes of violence against people. And here is where it comes from. They reference the section in the code.

So I go to this section, and it’s a definition of crime of violence. And it says: “The term ‘crime of violence’ means an offense that has as an element the use, attempted use or threatened use of physical force against the person or property of another as an element.”

Even the threat of physical force against only the property of another, if they presume that it’s motivated in part by a built-in bias against someone’s proclivity that cannot be divined by the perpetrator but has to be self-identified by the victim.

Sounds a little like the sexual harassment that we debated here in this Congress about the time, well, it was exactly at the time of the confirmation of Justice Clarence Thomas. It sounds a lot like you can sexually harass someone and not know it, because the rationale is it’s in the mind of the victim.

And so if someone comes in and tells an off-color joke at work, if no one is offended, it’s not sexual harassment. But if someone is offended, then it’s sexual harassment.

And if someone paints some graffiti on a garage, and that garage happens to belong to someone who says I have one of these phillias, one of these proclivities, one of these paraphilias, then they can bring Federal hate crime charges against the person with a can of spray paint. Or, Madam Speaker, here is a case in point. It could be, brings me back to Ellie Nessler.

Ellie Nessler is well-known in California. Her son was a victim of a sex crime. And when they brought the perpetrator into court, the alleged perpetrator, because he hadn’t been convicted at that point, and the trial stopped right after Ellie’s act, he smirked at the mother of the victim, who was there to protect her son who needed to be there for the case of this trial.

And after he smirked at her, she went out and got her pistol and shot the perpetrator in the courtroom. The justice that was brought to Ellie Nessler was manslaughter, and I believe that she served 6 months in the California penitentiary, and then she was paroled on good behavior.

This sets the scenario up where Californians were satisfied with the justice that Ellie Nessler received. But if there had been some that were connected at the national level, under this kind of legislation, then the Department of Justice could send in Federal prosecutors to prosecute Ellie Nessler for a hate crime that she committed against the perpetrator who was a pedophile. And that pedophile would have that special protected status.

And even in his death, the punishment could have been multiplied up to and including life in a Federal penitentiary because he had committed a politically—he committed an act—and

she had committed a politically incorrect act, for an extra penalty. Now I don't make excuses for Ellie Nessler's act, but I point out that Federal involvement in local crimes is unnecessary, and it's interventionary.

And it's unjust for us to believe that we can set penalties here on the floor of this Congress and lock people up for as long as life in prison for what we think was going on in their head, about what they might have thought was going on in the head of the victim.

And we are going to for the first time match up the psychoanalysis of the victim, the psychoanalysis of the perpetrator, put them together and come down with a decision not on the overt act, Madam Speaker, but on the very thought that might go on in the mind of the perpetrator.

It's wrong to take justice down this path. It's unjust to do so. It's unprecedented to do so. It pits Americans against Americans. It sets up sacred cows, people that can walk through this society, and they will be dealt with differently because there will be the threat that Federal law will come in and give them a special protected status, a shield that doesn't exist for people that don't fit within this list of special protected status.

I urge the Senate to oppose this legislation, to defeat it with every effort that they can; to filibuster this hate crimes, thought crimes, legislation; to amend it to the high heavens; to take us back to the rule of law where we punish the overt act, not the thought. Thought crimes legislation should not be part of American law, not in the land of the free and the home of the brave.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

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

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

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

Mr. MICHAUD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

Mr. TONKO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SABLAN, for 5 minutes, today.

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

Mr. TIAHRT, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, May 7.

Mr. JONES, for 5 minutes, May 7.

Mr. BURTON of Indiana, for 5 minutes, May 4, 5, 6 and 7.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 586. An act to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

H.R. 1626. An act to make technical amendments to laws containing time periods affecting judicial proceedings.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, May 4, 2009, at 12:30 p.m., for morning-hour debate.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh "Joseph" Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Connolly, John Conyers Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan Jr. Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F.H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Guterrez, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson Jr., Sheila Jackson-Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. "Hank" Johnson Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Michael E. McMahon; Cathy McMorris Rodgers, Jerry McNerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J.J. Massa, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Scott Murphy, Tim Murphy, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Olver, Pete Olson, Solomon P. Ortiz, Frank Pallone Jr., Bill Pascrell Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S.P.