

I remember taking a codel with BARNEY FRANK to London and Brussels where we talked about systemic risk, worldwide, long before anyone was owning up to the financial meltdown.

So BARNEY FRANK has really been on point, and hopefully with a Democratic majority and someone in the White House, his continued efforts to rein in systemic risk will not be stalled out as they have in the past.

Mr. ELLISON. BARNEY FRANK with a tremendous intellect, with a tremendous sense of humor, with a bipartisan spirit and an even hand has shepherded great legislation to help stabilize America and begin our ascent once again.

I want to say that even on the Credit Cardholders' Bill of Rights, a bill that I am emotionally involved in, I feel so good about, we got nine Republican votes and a bunch of Democratic votes.

Look. Even a lot of Republicans know that we have been doing the wrong thing by neglecting regulation. It's time for us to put all this squabbling aside and say no matter what the party is, no matter what party you may belong to, Democrats are just better at running the economy. I like Republicans. Some of my best friends are Republicans. My dad is a Republican. I think they're great.

But if you want good regulation that helps the economy grow, you can look at the 110th and 111th Congress for an example of who knows how to do that. It's happened successfully. It will continue to happen. And I bet you when that Credit Cardholders' Bill of Rights hits the floor of this House and I bet you when the anti-predatory lending bill hits the floor of this House, we're going to get a bunch of Republican votes because even they know that the Democratic Party is a good financial manager.

#### TIME TO LET GO OF THE PAST

The SPEAKER pro tempore (Mr. GRAYSON). 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. Thank you, Mr. Speaker.

In listening to the dialogue that has taken place here in the previous hour, I think it's time for a little bit of information to unfold, and, that is, it's time to move on. It's time to let go. It's time to take responsibility. It is not any longer time to come to this floor and spend your time beating up on George W. Bush. He's not the President today. Or beating up on Dick Cheney. He's no longer the President of the United States Senate today. And neither is Denny Hastert the Speaker of the House. And neither is MITCH MCCONNELL the majority leader of the United States Senate. All of those things have changed, and they have changed recently, Mr. Speaker.

So to listen to this dialogue that's here tonight—and, by the way, fairly

devoid of humility—with the exception of seeking to impose that on others—but 60 minutes of defense of, whose name came up more often than George Bush's and Dick Cheney's? BARNEY FRANK. Members of the committee here on the floor spending 60 minutes describing how it is that BARNEY FRANK's leadership was the correct path to follow throughout all of this time and explaining that we can't afford the status quo, that Republicans wanted the status quo.

I would just take you back, Mr. Speaker, to think about this. They talked about 2005. I remember the debate here in 2005, and I remember the exact date. It was October 26. And it was an effort to regulate Fannie Mae and Freddie Mac, a piece of the subject matter from all of these highly informed people from the Financial Services Committee. They seem to forget that Republicans weren't satisfied with the status quo; it was BARNEY FRANK that was satisfied with the status quo. The one who said over and over again into the record, on committee, here on the floor in debate, specifically on that date that I mentioned, that Fannie Mae and Freddie Mac were just fine, they don't need any more regulation. He would resist, and he aggressively resisted the effort to try to regulate Fannie Mae and Freddie Mac.

Mr. CAPUANO. Will the gentleman yield?

Mr. KING of Iowa. I would be happy to yield to the gentleman. I had engaged in this and I was hoping you would come back.

Mr. CAPUANO. Well, I am leaving in a few minutes, but I will come back.

I don't have the records in front of me, and that's fine.

Mr. KING of Iowa. And I don't either.

Mr. CAPUANO. And that's fine. But would the gentleman agree that the Democrats didn't run the House?

Mr. KING of Iowa. Reclaiming my time, I would easily agree to that and that's the point I am seeking to make—that now today you do. That time has passed. Now you have President Obama and you have Speaker PELOSI and you have Majority Leader HARRY REID. And so that whole scenario that you were using to describe this in past Congresses, today it's a new world. It's time to move on.

Mr. CAPUANO. I totally agree.

Mr. KING of Iowa. That's my point.

I thank the gentleman for coming back and engaging. I always enjoy it.

Mr. CAPUANO. It's nice to agree for a change.

Mr. KING of Iowa. Continuing on, Mr. Speaker, that debate here on this floor, October 26, 2005, was about seeking to regulate Fannie Mae and Freddie Mac.

There was an amendment that I recall that was brought by the gentleman, Mr. Leach, who believed strongly that Fannie Mae and Freddie Mac were underregulated, undercapitalized and I agreed with him, and a good number of the rest of us agreed with him.

But the defense was of Fannie and Freddie coming from the current chairman of the Financial Services Committee who has not only been all over the airwaves playing self-defense in this economic calamity that we're in the middle of but who, on the eve of our departure to go home for Easter vacation, came to this floor for a 60-minute Special Order to explain how it was that he was right and the rest of us were wrong.

And now I hear a committee that comes down and deploy themselves across the floor, and it's essentially the same thing. And they dig back into the Community Reinvestment Act and they argue that in that reinvestment act, there wasn't a requirement that there be bad loans made into bad neighborhoods.

□ 2100

That's true, Mr. Speaker. There wasn't a specific requirement that required lending institutions to make bad loans in bad neighborhoods. It was simply this: You will not expand your operations if you don't make bad loans in bad neighborhoods. And we know that there were people that came and sought to intimidate the lenders and pushed their desks around. And sometimes it was Members of Congress. I may have actually heard a confession here on the floor tonight, Mr. Speaker, to intimidate lenders into making these bad loans. And lenders put people on their payroll in order to fill out portfolios and be able to hand to the regulators their case that they had been complying not just with the letter of the Community Reinvestment Act but what they perceived to be the intent of Congress, the changing intent of Congress, in the Community Reinvestment Act. That act was part of the foundation for the financial problem we have today. Not the only reason. It wasn't the only reason at all. But it laid a rotten foundation for the other things that were built on top of it.

And when the gentlewoman from Wisconsin makes a statement that many, many loans were made to African Americans and Hispanics, I long for the day that there is no box to check in a loan application. I think we all should be treated equally. I think that we should be color blind. I think someone who qualifies for a loan should have that loan granted to them without regard to race, creed, religion, ethnicity, national origin, or any other characteristic. I don't want to see people that are God's children categorized by skin color or national origin or sexual orientation, for that matter, or any other component that we are obsessing with here in this Congress.

This is about dividing people. This is what's going on. It's pitting Americans against Americans. You can hear it in the tone in the previous hour, where there's some more virtue in one ethnicity than there is in another. I don't believe that, Mr. Speaker. In fact, I heard the statement made that they

were bragging about “we loan to black people,” closed quote, from the previous hour. I wouldn’t know I was doing that. I would think I’m lending to God’s children without regard to race, ethnicity, color, national origin, or any other characteristic, mutable or immutable.

And it was said in the previous hour that race was the single factor in the past 30 years in determining who would not get a loan. Maybe it was in some cases, and I think that when that was the case, the motivation was right for the Community Reinvestment Act. It’s just the policy that was wrong. There were lenders that were drawing a red line around different neighborhoods in the cities, especially in the inner cities, and they had concluded that the asset value of that real estate was going down, not up. And they had decided it wasn’t a prudent business investment to make loans into those neighborhoods that were red lined.

Now, if they drew a line around a neighborhood because it was African American and probably wasn’t Hispanic back in those days, if they did that for race reasons, that was wrong, Mr. Speaker. If they did it for economic reasons, it was perhaps a prudent economic calculation, a prudent business model, but not because of race.

So the Community Reinvestment Act was formed. Fannie Mae and Freddie Mac began picking up loans in the secondary market that were being issued in order to build a lender’s portfolio so they could expand into these neighborhoods and beyond. And the book-keeping that was done to make this case to the regulators was set up more and more from, I’ll say, a perverse incentive to make enough loans that they could characterize them as, well, race was the single factor in the past 30 years in determining who would not get a loan. It may well have been the single factor over that same period of time in determining who would get a loan under the Community Reinvestment Act.

I would just make a point, Mr. Speaker, and I, again, believe that we should not categorize people by race or ethnicity or national origin or any of these other characteristics that I’ve mentioned, but this data that I see shows that 96 percent of African Americans voted for our first black President. That’s the largest percentage of any ethnic group ever known to vote for a single presidential candidate in the history of the United States of America, the most pluralistic nation in the world, and we probably always will be. And I would just submit, Mr. Speaker, that this President would not be President today if any of the other races were so racially motivated in the ballots that they cast when they went to the polls.

So I think if there’s going to be a color painted on anyone, a bias that’s painted in there, an implication that comes out of this dialogue, I think the

folks that were making those statements ought to look home to themselves first rather than outward to try to place some blame. And I’m happy to acknowledge every legitimate vote, and I think they should be counted. But I think we need to recognize that these things do swing both ways and it swung dramatically the other way.

I would just reiterate, Mr. Speaker, it’s time to let go. It’s time to move on. It’s time to govern with the people that were elected in the majority today and not point fingers backwards and place blame where there is no blame due in particular. And I think when you hear a hue and cry come up, and when you see a relentless effort to advocate in favor of an individual in this Congress, and when I see him do it himself here on the floor as chairman of the Financial Services Committee, when I see these Members here tonight spend an hour essentially doing the same thing, that tells me there must be something there that caused them to want to be defensive. And I’m going to submit that the opposition to the regulation of Fannie Mae and Freddie Mac looms as another significant component in what went wrong in our finances.

So to run through this thing from the Community Reinvestment Act to Fannie Mae and Freddie Mac and to recognize that the secondary loan market was underregulated, undercapitalized, Fannie Mae and Freddie Mac, who were purchasing these loans and selling them back, and they were the secondary market and they were bundling them up and moving those on through the financial sector, they had an unnatural advantage. Less capital, less regulation. And behind them they had, technically speaking, and the gentleman from Massachusetts would raise an objection and disagree with me on this, but I’ll submit this: Fannie Mae and Freddie Mac had the full faith and credit of the United States Government behind them. That made their capital more effective than the capital of a private lending institution that had to compete with them. And I will concede the point they would like to make if they were here, that technically they didn’t have the full faith and credit. But they had the implication of the full faith and credit of the United States Government that was there, which allowed them to take more risks and take those risks with less capital than if they had been another lending institution.

And what happened, Mr. Speaker? Clearly we know what happened. Fannie Mae and Freddie Mac got in trouble, in big trouble. And they were looking at \$5.5 trillion in contingent liabilities if their investments fell apart. They had to be capitalized. They had to be managed. So what happened? Roughly \$200 billion from the U.S. taxpayer went into capitalizing Fannie and Freddie, and they became nationalized, wholly owned subsidiaries of the Federal Government, no longer quasi

government entities but wholly owned subsidiaries, nationalized. The guarantee of the full faith and credit of the United States Government did come to pass, and the taxpayers did fork over \$200 billion. And today these are nationalized government entities that were quasi private that had been wholly private.

And I introduced legislation to capitalize and regulate Fannie Mae and Freddie Mac and privatize them last September or perhaps October. It needs to be done yet, Mr. Speaker, although we have enough things going on in our finances today that I choose not to advocate aggressively on that path because we’ll get bogged down and not be able to do the things we need to do.

So that’s just the Community Reinvestment Act and Fannie Mae and Freddie Mac.

And if we move on and we look at some of the other things that went wrong, we had the bursting of the dot-com bubble that just started to happen in the last year or two of the Clinton administration. It was initiated by the lawsuit against Microsoft, and that was what pierced the dot-com bubble. I think it would have burst anyway. The bubble was created because we had technologically figured out how to store and transfer information more effectively than ever before, cheaper than ever before. And yet the speculators were investing in these dot-com companies, anticipating there would be a lot of money made in the industry. And there was. But the calculation that was the burst of the dot-com bubble was when the bubble had to collapse and let the air out of it that was there because there also had to be an increase in production and efficiency that came with all of that information. If it didn’t create that, it didn’t have an economic value. So we speculated on what that value might be. The bubble burst when it was pierced by the Microsoft lawsuit. And as the economy began to decline, George Bush was elected President. And we had this bubble going on.

Alan Greenspan saw this happening and concluded that he needed to create an economy that would fill the dot-com bubble. So he began to ratchet interest rates down and to do so especially on our long-term loans, and we ended up with subprime loans, to create an economy that would fill the hole that was created by the bursting of the dot-com bubble. Alan Greenspan was busily ratcheting those interest rates down to unnatural levels, creating a housing bubble to fill the dot-com bubble hole, while September 11th rolled around and the United States was attacked by our enemies. The financial centers of the United States attacked by our enemies.

We saw this all happen. And while it was going on, we needed to make some adjustments to bring this economy around because we were wobbling when the attack came on September 11 of 2001. This Congress passed the first round of Bush tax cuts. It filled a

minor hole. It was May 28, 2003, when the real Bush tax cuts took place, and they were the ones that had long-lasting value that brought this economy throughout the entire Bush term, even though we were in the middle of fighting a war, even though our financial center had been hammered. And while all this was going on, the housing bubble was being created yet, even though as the interest rates went higher, the subprime loans and the variable interest rates were being adjusted and putting people in trouble with homes that would have been in trouble probably anyway, many of them. Not all of them by any means.

So this was almost a perfect storm. And I haven't even gotten to the market-accounting side of this thing and credit default swaps and AIG Insurance that had nobody looking over their shoulder that were setting their own premium rates and had such a market share that there wasn't a way that anyone could look in on them and second guess the rates they were providing to guarantee the return on the bundles of mortgage-backed securities.

So this perfect storm unfolded until the day Henry Paulson came to this Congress and called for \$700 billion. And he said, I've been watching this problem for 13 months.

And we said, Why didn't you do something?

He said, Well, if I had said anything, it would have accelerated a downward spiral in our economy.

Well, so what was he doing here in Congress asking for \$700 billion and doing press conferences and interviews every step along the way around this Capitol but scaring the living daylights out of everyone and demanding \$700 billion? So could he have just done that 13 months earlier, maybe we could have had a way to digest all of this and the crisis wouldn't have been as bad. But it got bad.

I will say, though, that where we are today, the United States economy hasn't taken the hit as hard as the rest of the industrialized world has and that President Obama picked up the plan that was proposed by Henry Paulson and endorsed by President Bush. He picked this up. And, by the way, he came back to vote for the \$700 billion TARP, and yet as elected President, he was fond of saying, I inherited a trillion dollar deficit; so don't blame me for all the things that have gone wrong in the past.

Well, part of that trillion-dollar deficit he voted for. Maybe not all of that because he didn't spend a lot of time in the United States Senate, but he voted for a lot of the deficit that President Obama claims to have and for a significant portion of it did inherit.

But it's his economy. He voted for it. He supported it. President Bush initiated it. Who knows how far he would have gone. Would President Bush have allowed General Motors and Chrysler to move into Chapter 11, or would President Bush have simply decided

enough was enough? We actually will never know what President Bush would have done. But we do know what President Obama has done and what he has said. And what he has said is the New Deal actually did work, that FDR got part of it right, but he ran out of nerve and he got worried about spending too much money; so he backed off in the second half of the decade of the 1930s, and that brought about a recession within a depression.

□ 2115

This is the President talking, not me. I don't believe that this is what happened. I've studied it and I draw a different message from it.

But the message that our President drew was that FDR should have spent a lot more money. If he had done that we would have recovered from the Great Depression before World War II had to come along to be the largest stimulus plan ever and get us out of this depression. Not that anybody is concluding that we would not have had World War II if we had had a stronger economy. I don't think that's actually a valid exercise in the study of history.

But I will make this other point. Whenever you borrow billions of dollars from the future of our children, and you inject it into the economy and make-work projects that do not have economic value, you put this Nation in a debt that is harder and harder for it to climb back from. That's what this policy has done, that's what this stimulus plan does, and that's what many of the proposals that have unfolded here from this Federal Government have done.

If Franklin Delano Roosevelt had gotten it right, we would have seen a positive recovery from the Great Depression take place in the thirties. But instead we saw unemployment rates going into World War II that were very similar to the unemployment rates in the middle of the decade. I will say that FDR inherited some very high unemployment rates.

The numbers that I recall are about 25 percent. That would be the peak. But at 15 percent, it's really serious. And we are seeing unemployment rates now that show at least 11.5 million people in America that are out there actively looking for jobs.

Now this 25 percent unemployment rate that we had in the early thirties carried through at 15 percent, in that range or a little more, on throughout that entire decade, and then World War II came along and put people to work. When I hear people tell me that 4.6 percent is a historically low unemployment rate—and we had that rate 3 or 4 years ago—I would disagree, Mr. Speaker. When I look through the rates, my recollection is, and I am very confident I am right on this, at the close of World War II, 1945, the United States of America had a 1.2 percent unemployment rate.

That's about as close to a full employment economy as you can actually

devise out of a society, because there's always going to be some people in between jobs. That was the scenario of a full employment society.

And had we done the free-market thing back in the thirties, had we just simply pulled government back out of the way, lowered some taxes and given the entrepreneurs an opportunity, instead of competing directly with them for capital, for employees, and, actually, for jobs, had we let the private sector flourish in the thirties, I believe we would have seen a lower unemployment rate and real economic growth going on into towards World War II. The war would have happened, anyway, but we would have been on the footing of not carrying the debt we did into the Second World War which put a tremendous amount of debt on our economy.

We need to remember, Mr. Speaker, that from the time that FDR was inaugurated as President of the United States and initiated the New Deal program—let me back up a little more. I will back up to October 1929 when the stock market crashed.

The stock market on the day that it crashed, that point as a benchmark, we went through to 1930, the beginning of the decade of the thirties, all the way through the thirties, not reaching the point where the stock market had been when it crashed in October of '29, all the New Deal, we exhausted every dollar invested in New Deal, spent it all, make-work projects of all kinds, borrowed money hand over fist, hired people to work directly for the Federal Government to do make-work projects, to dig holes and fill them back up, all the way through the thirties, and still the stock market hadn't recovered in a substantial way.

We went into World War II and industrialized all of America and we were the surviving industrial nation at the close of World War II, and still the stock market hadn't caught back up with where it was in October of '29.

So we had the post-World War II era when our troops came back home and the economy got a shot in the arm because we had good, well-trained employees that were starting families, and there were real investments going on. And throughout that period of time, from 1945 until the early fifties, still the stock market didn't catch up with where it was in October of '29.

And then the Korean War began, and we went over there and fought that war and lost those soldiers over there and negotiated to a draw in Korea. And still the stock market didn't catch up with where it was in October of '29. Not until 1954, Mr. Speaker, not until Franklin Delano Roosevelt had been dead for 9 years did the stock market recover from where it was on the day that it crashed in October of 1929.

That's not data that tells me the New Deal worked. But our President has adopted the idea that the New Deal actually did work, to use his terms, except FDR lost his nerve.

And I can say this, Mr. Speaker, this President will not lose his nerve when

it comes to spending money. If there is one thing that he has courage to do, that's to spend our money. And he has spent trillions of our money, and I predicted when he made the pitch for the stimulus plan that his economic recovery model was about an \$8 trillion project. And I got ridiculed for being such a radical reactionary.

But he has surpassed \$8 trillion some time back. His very budget that he presents to this Congress creates a \$9.3 trillion deficit.

Mr. Speaker, I can't help but seek to inform you and the balance of the body of what a trillion dollars is. You know I come from Iowa, and we happen to be, and we are pretty proud of it—and I don't raise any of it so I don't get the credit—we are the number one corn producing State in the Union. We raise a lot of it, and we are pretty good at it. We have the right weather and the right soil and the right people to do it. We have been increasing yields 3 to 4 percent a year for some time, and we will do that for sometime into the future.

But we will raise about 2¼ billion bushels of corn in this 2009 crop that's being planted, well, as we speak, if it's not raining at home. Two and a quarter billion bushels. Let's just say for the sake of simplicity and math, it's worth \$4.40 a bushel. It's not today. It's worth less than that, less than \$4 today. We have had some markets that went well above that. This works out so that I can memorize these numbers. I can't do the math this fast in my head.

That makes Iowa's corn crop this year worth about \$10 billion. So we have a good yield, the markets are down a little, or if we have not such a good yield, the markets are up a little, we will raise enough corn to cash sale that for \$10 billion.

Now, how much is a trillion? Well, let's see. If we could take all the corn we could raise in Iowa this year and next year and next year and the year after, and we handed every kernel of corn over that we could raise in Iowa for the next 100 years, we would have generated a trillion dollars. A hundred years of Iowa's corn crop just to pick up the trillion dollars that is not even enough to pay for the first proposal on the stimulus plan, let alone the Obama budget deficit, which comes to \$9.3 trillion. A century of all of our corn accumulated comes to a trillion dollars.

But this is not a trillion dollar deficit. It's a \$9.3 trillion deficit created. And if you would just bear with me, and we will presume that we are going to round this up to 10 trillion for simplicity, and because government always spends more money than they promise you they will—we know that to be a fact. It's a historical truth.

So a \$10 trillion deficit created by Obama's budget, now, how much corn is that? It's all the corn that Iowa can raise, and not one century or two centuries or three centuries, Mr. Speaker, the deficit created by the Obama budget is the equivalent to all of the corn,

the value of all the corn that Iowa can raise in a thousand years, an entire millennium of our corn crop, a thousand years, way longer than anybody has been farming this ground. It will take a thousand years of all of our corn just to pay the deficit created by this budget.

And now, if you wanted to add to that the value of the existing deficit, which is around \$11.3 trillion, now it's easy. It's easy to get to \$20 trillion.

In fact, the numbers will come to between \$20.8 trillion and \$23 trillion. But let's just use 20. This is a conservative number.

How much is \$20 trillion? That's if we take the present value of the production of corn in Iowa from the time of the birth of Christ and multiply that every year for more than 2,000 years, you would finally, at the end of two millennia, accumulate enough money in present value to pay off the Obama budget and the national debt. \$20 trillion. That's how big this is, Mr. Speaker. This is a huge deficit put upon our children and our grandchildren.

And I happen to think that the economic problems that this country has aren't the worst problems that we have. They sound insurmountable. Perhaps on another night I will approach this with a solution, and I have in the past.

But I think what happened here on the floor of the House of Representatives today tells us something about the other problems that are great, that are huge, that undermine the core of our civilization, the character of our nation. That is, Mr. Speaker, the hate crimes legislation that passed the floor of the House of Representatives today.

This is legislation that sets up a special protected status for sexual orientation, gender identity, gender, I think they have also disability in there, which I am not particularly concerned about. We did a 2-day markup in the Judiciary Committee on this legislation, Mr. Speaker.

What it does is it defines special classes of people that will have special protection from, let's say assault, and special classes of people whom if someone does assault them, the perpetrator, if convicted, will get an enhanced penalty, an enhanced crime. It sets up sacred cows in our society. This civilization that we are so blessed to be part of has always punished the overt act, not the thought, not the hate that's underneath many of the crimes that we have, but we have punished the act, not the thought.

Because throughout history, we have understood that. We can't know what goes on in someone's head, but we can prove definitively, many times, the extent of the crime that was committed and who committed it. It's the crime that's wrong, not the thought associated with it that's wrong. This is a free country that we have, after all.

And so this legislation reflects for me George Orwell's book, 1984, written in 1949, studied by many of us as we went

through the educational system, and I would present for your consideration, Mr. Speaker, some phrases from George Orwell's book, 1984. He was writing about the force of the new totalitarians. That's my term, not his. Well, actually it is his.

He didn't call them the new totalitarians, but he called them the totalitarians. And they were the successors of the German Nazis and the Russian Communists. And he argued that the totalitarians wanted total control, not just total control of the economy and the military and the society. They wanted to control everyone's minds, Mr. Speaker.

So here is what goes on. This hate crimes legislation seeks to punish, to punish not the overt act but the thought that is associated with the overt act. There wouldn't be any reason to have hate crimes legislation if we were just going to punish people for committing the crimes, because we have laws against them.

But this legislation puts up a special penalty for the perception that is in the head of the perpetrator, which is identified by the perception that's in the head of the victim.

And for the first time, there would be legislation, passed this House today, that evaluates the skull contents of the perpetrator and of the victim, and what goes on in that gray matter and what motivated them, rather than the crime itself. Now, George Orwell wrote, and I quote, "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. Even in the instant of death we cannot permit any deviation." That's out of George Orwell's 1984, Mr. Speaker.

The party then, the new totalitarians, were not interested in the overt act. But they were interested in the thought. Because they knew that if you control the thought, you control the act.

Now, that was written to stretch our minds and, I think, predict for us what could happen when government got to be the be-all, end-all, super intrusive conscience for everyone. And I think we have heard that here tonight.

As I look at this legislation, Mr. Speaker, I find all kinds of gaps in it.

□ 2130

When I take it apart piece by piece and go through it word-for-word, line-by-line and subsection by subsection, I find that this legislation doesn't hold together, that it has references in it that references other sections of code that are inconsistent with the language in the bill itself.

So as I look through these definitions that are here, I recall the gentledly

from Wisconsin in committee saying that sexual orientation only meant homosexuality or heterosexuality. Apparently it didn't mean bisexuality, and obviously according to that definition doesn't include all of the proclivities listed in the American Psychology Diagnostic List.

So if that is the case, I am still concerned. But I offered an amendment to eliminate pedophiles as a special protected class of people. And, Mr. Speaker, if we are going to put a shield of statutory protection around someone for their proclivity, couldn't we at least exempt it for the pedophiles? But on a party line vote, the Democrats in the Judiciary Committee voted no on the exemption of pedophiles from special protected status. And that is just one of those groups, Mr. Speaker. It is just one of the groups.

Here is a list. This is a list that is a list of the paraphilias. Paraphilias, things that I call proclivities, they are the powerful and persistent sexual interest other than typical interest and behavior. That is paraphilia. There are, according to one of the well-respected definitions, how about from the Diagnostic and Statistical Manual of Mental Disorders, here is a list of some of the paraphilias. There are 547 of them altogether, Mr. Speaker.

Among them there is a high list of 30 that we will recognize some of. Let me see which ones could I actually mention into this RECORD without embarrassing myself.

One is Asphyxophilia, and that is a sexual gratification derived from oxygen deprivation. I didn't know that was out there. But that is a special paraphilia, a proclivity, that would be protected under the hate crimes legislation. So one dare not assault one of those folks or discriminate against them in any way, because you could be subjected to a Federal hate crimes legislation.

I will argue that everybody ought to have protection without regard to any of these things. But these are special protected classes of people created by this law. And even that side, even though they won't discuss it and they won't answer the questions, doesn't agree with each other. I get a different message from the gentlelady from Wisconsin, Ms. BALDWIN, and a different message from her from the gentleman from the Rules Committee, Mr. HASTINGS.

Mr. HASTINGS read from a list of paraphilias, and I don't remember just which ones he read into the RECORD, there are so many. But, let's see, as he read through these philiias, he said he thinks they are all protected under the legislation under the definition of sexual orientation. So Autogynephilia, Coprophilia, what other philiias do we have here, there are a number of others, Kleptophilia, sexual excitement from stealing. I didn't know that existed. Klismaphilia, I won't give you the definition of all of them. Necrophilia, that is fixation with a

corpse. Pedophilia, I mentioned that to you. I think all these philiias should be in the bill and are covered by sexual orientation. But his own party member and main proponent of the bill says no, it is only heterosexual and homosexual, but not apparently bisexual.

This is a major discrepancy in this approach, but what it does is it allows the courts to decide what is and isn't covered under "sexual orientation," a very, very broad definition of the term.

Then, Mr. Speaker, as I reach to pull this bill out, here is a definition of gender identity. Gender identity, when I make the point that there is no definition of gender identity, I get this response. Yes, there is. It is defined in the bill. Just look in the bill.

So, I looked in the bill, and I read here that I guess you could argue it is defined, although I wouldn't want to make this argument. Gender identity, from the bill: "For the purposes of this chapter the term gender identity means actual or perceived gender-related characteristics."

Okay, so if you are coming in off the farm, what in the world does that mean? I say I don't know what gender identity is, can you help me out here, because we are going to be setting the destiny of America. So define it for me. I would like to know.

Well, gender identity means actual or perceived gender-related characteristics.

All right. Let me see, how would you define clothing? Well, clothing could be actual or perceived clothing-related characteristics. Well, would that be like a heavy Russian winter coat, or would it be a it'sy-bitsy bikini, or a pair of blue jeans? What would you describe it as? It is not very specific. Could you identify that all as clothing without a definition of clothing as having clothing-related characteristics? Can't we do better in law?

I argued that fence posts come in a lot of different versions too. We have creosote-treated pine fence posts. That would be wood. We have hedge posts. We have cedar posts, split cedar posts. We have steel post, T-posts, electric fence posts. What if I defined it as fence posts mean actual or perceived fence post-related characteristics? Now what have we?

I am just telling you this, Mr. Speaker, because these are inanimate objects that I am describing here, and even still the silliness of this I think emerges in my argument. But when you start talking about not inanimate objects, but animate objects that are being described by what goes on in their mind and using terms such as "gender" instead of the word "sex" and "gender identity" and "sexual orientation" and recognizing that there are three different categories for some of these definitions, Mr. Speaker.

One of them is gender, okay, for example, as opposed to sex. Sex is a physical characteristic. Gender can be a physical characteristic, or it can be what you think you are, a mental char-

acteristic. All right. So there is two different categories of gender, two different definitions of gender.

You have sexual orientation. Gender identity. Let me go to gender identity. Gender identity can be whatever you think you are, I don't know about the physical component of this, and sexual orientation can be what you think you are, what you act upon, or let's just say the composite of those two. And the thought, the act and the physiology are the three categories we are trying to define here and blending and blurring them all together.

So it is no wonder that when I try to explain this law, it sounds like gibberish, Mr. Speaker, because it is gibberish. It is a piece of gibberish legislation that seeks to set up sacred cows, those people that would walk the face of the United States of America, could lay down in the center of traffic like a cow in India, they could walk through the bakery shop and do whatever they wanted to do, and everybody would have to walk around them for fear that the Federal regulators would come in and bring hate crimes charges against them.

Or I described this scenario last night, Mr. Speaker. Let's just say we had a baseball game going on in Chicago and it was an inter-league game between the Cubs and the White Sox. And let's just submit that there were 15 Cub fans in the sports bar and they were of mixed ethnicity, mixed race, mixed sex/gender, sexual orientation and gender identity. These are the Cubs fans over here. While the game is going on hot and heavy, here are the White Sox fans over here mixed up the same way, every imaginable race, ethnicity, sexual orientation, gender and gender identity, and even whatever sex they might be.

Now, as the game goes on and the barbs fly back and forth and the insults go from the Cubs fans to the White Sox fans and back and forth, let me presume here there will be some racial slurs that will come out, there will be some gender-oriented slurs, there will be some slurs that have to do with these paraphilias that I talked about. Then a fight would break out, White Sox fans versus the Cubs fans. And they would line up along those lines, because they would know who was a Cubs fan and who was a White Sox fan. They might forget who fired which insult at which particular special protected sacred cow class that has been created by this Federal legislation if the Senate should pass this to the President.

Now we have the Feds coming in to sort out a bar fight in Chicago and bringing Federal charges against people whose primary motivation might not have been anything to do with any of the insults that they hurled back and forth. It might just have been a more effective way to insult a White Sox fan or a Cubs fan.

When you get into the path of punishing people for what goes on in their

head, this law cannot figure it out. They can't even figure out how to define the terms that are in it, let alone psychoanalyze anybody that falls under the purview of this hate crimes legislation.

While we are on that subject, Mr. Speaker, let me just surmise this, that most of us would agree that preventive medicine is a good idea. So if we go to the doctor regularly and get our check-up and get our physical, he will run the blood samples on us and let us know what kind of shape we are in. And if he will do that and we submit ourselves to an exercise regimen and watch our diet, take the medication that we need to, that preventive medicine will save a lot of money and a lot of lives over time, and our lives will be more productive. It is a good and healthy thing to do to have preventive medicine.

Mr. Speaker, if we can divine what is in the head of the perpetrator of these crimes, if we can go in and psychoanalyze the perpetrator without bothering to psychoanalyze the victim and taking their word for whatever their paraphilia might be, but if we could do that, why don't we just pick up the Orwellian approach to this, psychoanalyze people and figure out they are likely perpetrators before they commit the crime, rather than let us have a victim lead us to that perpetrator, and then we could have the preventive medicine of hate crimes.

Wouldn't that be great, if we could just punish people when they have the thought, before they actually acted upon it? I would suggest that if we can actually psychoanalyze people after the fact, we can psychoanalyze them before the fact, and then we could do crime prevention. But truthfully you all know, and I know you know, Mr. Speaker, I don't believe that can happen. I don't believe we can know what is in their head.

Let me take up another definition of sexual orientation. Even though we had a couple of different definitions along the way, sexual orientation as defined by the Merriam-Webster dictionary, medical dictionary, we have sexual orientation by Merriam-Webster as one's attraction to and preference in sex partners.

Here is another definition from the American Heritage Stedman's medical dictionary. Sexual orientation would be sexual activity with people of the opposite sex, the same-sex or both.

So one says it is the attraction, it is in the head. The other one says it is the activity. It is the overt act, or maybe a covert act, Mr. Speaker. That is two polar opposite definitions of sexual orientation, which is in the bill.

And we have two polar opposite definitions coming from the Democrats, neither of which is in the bill. One definition says homosexual, heterosexual, nothing else, not even bisexual. The other says every kind of proclivity, paraphilia, all philiias whatsoever, Mr. HASTINGS from Florida.

I go to the American Psychological Association for their definition of sex-

ual orientation, and this is it: "Sexual orientation is different from sexual behavior because it refers to feelings and self-concept. Individuals may or may not express their sexual orientation in their behaviors."

So, you can give no sign that you have some particular paraphilia sexual orientation and be a special sacred cow protected class, that if someone commits a crime against you they are facing a punishment far more severe than they would be facing if it was just someone that wasn't carved out in this legislation as a special protected sacred cow class. And herein lies some of the flaw and some of the fault in this legislation.

Some other is this. It isn't just violent crimes against people, Mr. Speaker, because there is a reference in the legislation that takes us back to an existing section of the code that defines a crime of violence. Crime of violence in this bill means what it says in this section of the code, and I will read from that.

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 or any other offense that is a felony that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

So, the crime of violence means a physical act against a person or the attempted use or threatened use of that force, but also against property, Mr. Speaker, also against property. And it says an offense that has an element.

Now, if there is an offense, let's just say someone maybe perceives a thought that goes on in somebody else's head and decides they want to send him a message, and so they go and paint some graffiti on a garage door, there is a crime against property, not an individual. Well, that would be the crime of violence definition. It would meet it because it would have an element in it that the use of and/or the threatened use of physical force against property has taken place.

Physical force is another broad term. Is physical force leaning against the garage door? Is it pushing the spray button on some spray paint? Yes, it could well be. But the element that is part of that takes us back also to the thought crimes part of this, and it tells the pastors of the world, be careful if you preach from Leviticus, be careful if you preach from Romans, because if you do, there might be someone who could intimidate someone else based upon their new Biblical beliefs that you have just informed them of last Sunday, and now you have become an element in a hate crime that maybe was not any crime against an individual, but maybe even a crime against property. And this is set up so that we would send Federal forces in to assist in prosecution to political subdivisions, Mr. Speaker.

□ 2145

Political subdivisions being cities, counties, States, parishes, any subdivision smaller than that in the United States. And not only would we help them in the prosecution of hate crimes, but we'd also, according to this legislation, Mr. Speaker, we would be in there helping to enforce any of those political subdivisions' existing hate crimes laws, whether or not it fit the definition here in this bill. It doesn't have to conform with the Federal standard; it just has to be whatever they decide it's going to be.

And so, I happen to recall that the Speaker of the House's home city, San Francisco, has an ordinance in San Francisco that says essentially this: Thou shalt not disparage the short, the fat, the tall or the skinny. Now, that's an antidiscrimination. One might characterize it as a hate crime if you disparage somebody that's short, fat, tall or skinny. I think all of us think we're one of those categories, sometimes two or three of them at the same time, but that would be a case where if we could actually have Federal prosecutors go in to San Francisco and decide they're going to support an ordinance like that.

Now, think how intimidating it is when you have Federal prosecutors coming in to enforce hate crimes legislation that's created by a city council that might be so utterly biased in their approach that they could reflect the judgment of the people on the other side of the aisle on the Judiciary Committee that brought this legislation to this floor under a closed rule, denying all amendments, and a very short period of time to debate, Mr. Speaker. It's no way to run the House of Representatives.

And so—and by the way, the pedophilia that was apparently approved for special protected status in two ways, voting down my amendment to exempt pedophiles from this special protected sacred cow status, and also, I think, if we listen to Mr. HASTINGS, and if he's right, if all philiias whatsoever should be protected under this legislation, then a pedophile is this. It's an adult sexual disorder consisting in the desire for sexual gratification by molesting children, especially young children. That's the pedophile.

Here's another definition of sexual orientation. They're all over the place, Mr. Speaker. Refers to feelings and self-concept, not behavior. Maybe. But we know that another definition in the dictionary that I referenced says that it actually is the act, not the thought, not the attraction.

So, as we go through this piece by piece, Big Brother is reaching out and telling us that they're going to control our thoughts by passing hate crimes. And they're going to give us definitions like gender, gender identity, sexual orientation, and not even engage in a debate on what those words might mean, but leave it wide open for trial lawyers and defense lawyers and judges

to decide what it is we might possibly mean. And how are they going to decide if we don't have clarity even from the proponents of the bill?

It'll be decided in a slipshod fashion, Mr. Speaker, and it will not be a happy result.

And I will submit also that we will see soon on the floor of this House the chairman of the Financial Services Committee's legislation called the ENDA Act, the Employment Non-Discrimination Act, which really means discriminate against employers and impose your values on them, tell the churches they have to hire people that are the antithesis of their teachings, for example.

And in the end, there also was another amendment. There were many of them that were rejected. One of them was the immutable characteristics amendment. I just simply want to protect people who have immutable characteristics. It was mentioned in the opening remarks in the rules today erroneously. Immutable characteristics are not protected in this bill. It was specifically rejected when I offered it by amendment. Immutable characteristics are often poorly defined or wrongly defined.

And, Mr. Speaker, immutable characteristics are those characteristics of people which can be independently verified and cannot be willfully changed. Those characteristics we can protect when we cross the line and we start protecting especially behaviors. Those are not immutable characteristics. They are mutable. Behaviors are those kind of characteristics that one can just simply self-allege.

And so as the question was raised back in those years when I was in the Iowa Senate, constantly lobbied by the students, often they came from the University of Iowa, and they asked a State senator there, we need special protection because—and he said, why? What, protection from what? Well, discrimination. Well, how are you discriminated against, and how do you people discriminate against you? Because of your sexual orientation. And they said, well, they won't rent us apartments and we can't do this and that and the other thing. We don't have certain opportunities that might exist for others. We think we're discriminated against and we need special protected status.

So this State senator said, let me ask you a question. What am I? What, am I a heterosexual or am I a homosexual? And they looked him up and down and they finally said, well, we don't know. We don't know.

And his answer was, exactly my point. Now, if you don't know, how could you discriminate against me? Or if I don't know, how could I or anyone discriminate against you? If you keep those things private, there can be no discrimination. And that's what I submit is the right thing to do when it comes to sexuality, Mr. Speaker.

Except, I believe that the laws should be respected. And I don't believe that

we should be establishing a special protected status for people who carry such proclivities that many of them are punished with prison time for the very sake of carrying them out.

I think this bill restricts religious freedom, and I think it restricts our First Amendment rights. I think it intimidates pastors. I think it takes us to a place where we are seeking, by law, to define what is in the head of the perpetrator and what is in the head of the victim. And sometimes it's the plumbing of the victim and sometimes it's the mental attraction that exists for it within the victim and the perpetrator. And we can't agree. Even the authors of the bill don't agree on where the perception actually exists, whether it's in the head of the perpetrator or the head of the victim. I'll submit that it has to eventually be analyzed in both, and that cannot be done, not with today's science or technology.

And with today's understanding, I'm very concerned because, Mr. Speaker, this society has, to a large extent lost its ability to reason. We're racing from emotion to emotion, from feeling to feeling. We are not racing from scientific data to empirical analysis and logical conclusion arrived at by deductive or inductive reasoning. That seems to be lost in this civilization.

I look back on the Age of Reason of the Greeks 3,000 years ago, and I think of Socrates and Plato and Aristotle. I think of them sitting around under the shade trees in their togas analyzing, thinking, testing each others' brains, writing the classical works that they did, and shaping the foundation for Western civilization, the theorem, the hypotheses, the basis for our science, for our math, the basis for our reason. If it hadn't been for the Greeks, Western civilization maybe would have never found this modern era.

But the Age of Reason that came from the Greeks primarily, that flowed through and was the foundation for the Age of Enlightenment, centered in France, and at the dawn of the industrial revolution, that all came to the United States and found itself in an environment of almost unlimited natural resources, very low taxes, in many cases, no regulation, with a moral people that came over here for their religious freedom, with Judeo-Christianity the inspiration for freedom and the core of this culture. It found the perfect petri dish to thrive, and the vigor that we have in the United States enhanced by legal immigration that skimmed the donors from every other civilization on the planet, the best vigor, the best vitality, from each of those donor civilizations. And our Founding Fathers had the wisdom to sit down and place into the Declaration and into the Constitution the foundations for our freedom, the rights that come from God, that are vested in the people and the sovereignty of the people that loan that power, those rights, to their Congressional Representatives, their elected Representatives in this

Constitution Republic that we have. The greatness of this Nation is diminished by the mushy thinking of hate crimes acts, Mr. Speaker.

□ 2200

#### ENERGY, ECONOMIC AND CLIMATE CRISES FACING OUR NATION

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

Mr. TONKO. Thank you, Mr. Speaker.

The opportunity for us to address several crises facing our Nation allows us to respond, I think, in very bold measure to opportunities that speak to an energy crisis, to an economic crisis and to a climate crisis in our Nation.

There is no mistaking that, as we work through this very tough economy under the leadership of the new President and his administration and Speaker PELOSI in this House and in Congress in general, the leadership is advised by several that we need to think in terms of an innovation economy—one that allows us to grow boldly into the future by addressing the basic core needs of not only our economy but of our climate, of our environment and certainly of our energy solutions.

As we look at the potential that exists out there for growing clean energy jobs—American jobs—that can generate American-produced power, we have the awesome opportunity to go forward in an innovative and creative way to provide for a response that reduces our energy dependency on fossil-based fuels that are oftentimes imported from some of the most troubled spots in the world.

We're given the opportunity to embrace our intellectual capacity as a Nation as we go forward with research and development investments—dollars that can invest in prototypes of design and that speak to the energy independence of this Nation—and to do it in a way that takes that prototype and further develops that technology into the manufacturing sector, deploying it into the commercial sector.

We see that today as work came forward to me in NYSERDA—the New York State Energy Research and Development Authority. I was able to witness firsthand the soundness of the investment in R&D, making certain that we could take these projects that were coming through R&D investments and could grow them in a way that created American jobs, that embraced intellectual capacity—the brain trust of this Nation. It was greening up our economy and our thinking in terms of energy generation and energy emerging technologies.

That's what the measure about energy reform here in our House is all about. It's about making certain that we grow our energy independence and our energy security and, in so doing,