

what ideas they submit in the future. And as those ideas come in, they get vetted, they may see their ideas wind up on the YouCut list, where they will have a chance to really, they can vote, go in and pick on where are the next level of cuts that we should levy in terms of making sure that the Federal Government lives within its means just like the American families do.

So I thank the gentlelady for just pointing out those very important resources for the American citizens.

Mrs. LUMMIS. I thank the gentleman from Pennsylvania for joining me this evening, in addition to the gentleman from Florida.

We have been trying to point out the structural deficit and debt that this country can no longer absorb and that we have to address. So it does my heart good to see the gentleman from Pennsylvania get so excited about the notion of cutting spending. And we want the American people to share our enthusiasm for cutting spending. We want the American people to weigh in. AmericaSpeakingOut.com and YouCut are two ways that you can do that.

I talk to people in Wyoming every weekend when I go home, and they share with me their thoughts about reducing spending. They see irresponsible spending, inefficient spending. They know where it is. And there are people all over this country who know where it is. So please share with us your ideas so we can create an exciting new agenda for this country that actually takes a slice out of inefficient government, and we get leaner and more able to maneuver, and give more room in our economy to a growing entrepreneurial sector that can create jobs and that isn't shackled by oppressive taxes, but pays an amount of taxes that are commensurate with their ability to unleash their creativity and create jobs and have the money available to borrow and expand and grow and create a vibrant America in our communities, in our churches, in our States, where the great incubators of ideas, where the great spirit of entrepreneurship is really alive and well.

I thank the gentleman from Pennsylvania for joining me. Do you have any concluding remarks?

Mr. THOMPSON of Pennsylvania. Well, I thank the gentlelady. Just the fact that we have, as our good friend from Florida pointed out, there are many nations across the western world that are working very hard to put their fiscal house in order. They have actually recognized that they have to stop the spending. They have to stop the borrowing. They can't be levying these tremendous taxes on the shoulders of their citizens. They have taken a better path, a path of fiscal responsibility.

Yet in this Congress, with our President, that's not a path we have taken. He went to the G-20 trying to encourage the other world leaders to spend more, to spend their way into prosperity. And really what you do when you spend too much, you spend your

way out of prosperity. And, frankly, this is a country that we have always been the most prosperous Nation in the world, and we are on the wrong path to sustain that. That's something we need to change.

You know, when I travel home, people talk about the spending, they talk about the borrowing, they talk about the taxing. And the thing that they talk about most as a result of that is the word "uncertainty" and how this has created uncertainty within our economy. There are over 20 million small businesses in this wonderful Nation of the United States of America. And these small businesses were created and are grown by entrepreneurs who are willing to take a risk. They work hard, they work long days, they work most days. And many times they do that and take no revenue for themselves. They reinvest in their business to grow the business and grow more jobs and create jobs, family-sustaining jobs.

But today, because of the policies we've seen over the past 18 months, they choose—they are uncertain. They don't know what's coming next. Is it more health care mandates? Is it a premium on energy under cap-and-tax, cap-and-trade? Is it more taxes levied on small businesses? You know, many small businesses are organized as limited liability corporations in such a way that they have been the victim of the increased taxes that this Congress, the Democratic majority, has passed in the past 18 months; the burdens, the tripling the size of the Environmental Protection Agency, agencies such as that that put tremendous regulatory burdens on our job creators.

□ 1850

Well, this uncertainty has created—these folks are, you know what? They're sitting on the sidelines today because they're afraid of what's coming next. As opposed to being a company, an organization, that normally would take a good portion of their profits—and that's not a bad word; that is a good word—and reinvesting those profits—instead of taking those profits, they reinvest them in their company and grow the company; they buy new capital; they build new facilities; they hire more people—they're not doing that right now, and that's why any kind of an increase that we're seeing in rebound in unemployment, which obviously isn't much because we're just under 10 percent, it's been public. It's been all those temporary jobs of the census workers. It's been temporary jobs sustained by the stimulus. And yet the private sector has really been suffering under uncertainty, and the American people deserve better.

I just thank the gentlelady for hosting this hour this evening.

Mrs. LUMMIS. I thank the gentleman from Pennsylvania for joining me.

You've been hearing about our concern that this year, for the first time

since we had the Budget Act in 1974, we are not going to pass a budget in the U.S. House, and it's because the majority party does not want the American people focused on how serious the situation is, how huge the gap is between the revenues we take in and the amount of money we're spending.

Imagine a Congress that gets together and is more excited about reducing spending, saving money, finding efficiency, reducing the debt, cutting the deficit, and celebrating it with the American people, in concert with the American people. Imagine going to a tea party where everyone is celebrating the fact that for the first time ever the Federal Government cut spending. That's going to be something to celebrate. That will be something to be proud of.

You can help with it. Go to americaspeakingout.com; go to YouCut, give us your ideas. Let's build the momentum so this Congress can celebrate with the American people the return to a more stable, vibrant, robust American economy, driven by the American people. The American people are still in control of this country. It can get really discouraging sitting around here voting and getting defeated on vote after vote after vote. That's been happening to me for the last 18 months. But the great reward is I know the American people are in control, and I thank you for the opportunity to discuss these issues with you this evening.

TOO MUCH GOVERNMENT CONTROL

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

Mr. KING of Iowa. Mr. Speaker, it's a privilege to have the opportunity to address you here on the floor of the House, and a lot of subjects come up here. About every imaginable thing has been debated here on the floor. I've listened to a lot of the dialogue that's unfolded in the previous hour, and I appreciate my colleagues' presentation or discussion of especially the economic and the spending situation, the dire straits that America is in.

And it seems ironic to me, Mr. Speaker, that about a year ago, in fact a little more than a year ago, I sat in the office in Berlin just outside Reichstag and had a conversation with the Chancellor of Germany, Angela Merkel, who made the argument to us that the United States is spending too much money, that the financial crisis—this, I believe, was actually February or March of 2009, and she made the argument that the solution for our economic crisis was not the Federal Government spending more money, Mr. Speaker, but it was about some targeted tax cuts that they had provided for their socialized economy.

European socialized economy, government-managed business, public-private partnerships, that's been some of the problems as to why they haven't had the economic vitality that we've had in the United States, and still as this financial situation unfolded, brought to the American people's attention about September 19, 2008, before the Presidential election I might add, and these discussions were taking place in February and then again in May of 2009 with representatives of the European Union and the leadership over Western Europe, whom I've often been critical of because they didn't let free enterprise flourish, had too many government regulations, had too many taxes, and because of that their economy was bogged down. Entrepreneurs weren't allowed to have the prosperity that they would have in the United States. Our economy grew, their economy stagnated, and that's what we've seen unfold over the last generation or so in the economic comparison between Europe and the United States.

But I found myself in the improbable position of listening to the leadership of the European Union and Western Europe lecture Americans that we should spend less money, not more money. Their plan, I believe, was \$480 billion altogether, \$400 billion in loans and \$80 billion in targeted spending. And the advice was America needs to hold down the spending and we need to adopt a more fiscally responsible budget, spend less money, provide less debt, and not this pass on to the next generations.

Well, that was a year and several months ago when this began, Mr. Speaker, and during the last couple of weeks, we've heard that lecture again from the same person, Angela Merkel of Germany. I'm glad she's making this case. It ought to hit home to our President of the United States. It ought to hit all of us here in this country that we in America, this Congress, over my vociferous objections and that of many of my colleagues voted "no" on a \$700 billion TARP fund and voted "no" on a \$787 billion economic stimulus plan, and in the middle of that, while it was framed, we watched the government takeover of the three large investment banks and AIG and Fannie Mae and Freddie Mac and General Motors and Chrysler and the student loan program. We watched the nationalization of our skin and everything inside it in the form of ObamaCare, and the government has now subsequently, within that list that I've just identified, swallowed up over 50 percent of the former private sector activity of our economy and more to come.

Financial services, reaching out to tap in and regulate every credit transaction in America and setting up boards and a whole new regulatory shield, another layer of regulation for our financial institutions, for our large banks, and to a lesser degree, for our independent banks and smaller banks, but not for Fannie Mae and Freddie Mac where a lot of this problem came

from, where the taxpayers of the United States now assumed a \$7.5 trillion contingent liability if Fannie and Freddie should go under. We've dumped billions into them, \$40 billion to \$50 billion comes to mind perhaps for each. And if they should become insolvent, the American taxpayers have to keep dumping money into Fannie and Freddie to prop them up because they're part of the takeover where they used to be private. At one time, Fannie Mae and Freddie Mac were private. Then they were quasi-government. Now, they're completely under the ownership, management, or control of the Federal Government.

All of this has taken place in the last year and half or a little more. We watched it happen. I've argued against it every step of the way, so have some of my colleagues, and quite a number of my good, reliable colleagues have come to the floor, Mr. Speaker, and made this case, made it over and over and over again.

But this situation that Europe has where they have loaned money to each other, the economy of Greece has gone down and been propped up by the European Union, and the economy of Spain has the highest unemployment—I think Greece might have eclipsed them, but for a long time Spain had the highest unemployment in the industrialized world. Their economy is wobbling. Ireland's economy is wobbling, and the European Union countries have loaned money to each other. It's almost like being in a poker game.

And let's just say that, because of all the overhead that's taken out by government, all the regulations taken out by government, if you all sit down in a poker game and the house takes, let's say, 45 percent of every pot, sooner or later the people sitting around the table that are trying to exchange those dollars are exchanging IOUs instead because the house has taken the money.

□ 1900

Government has swallowed up too much of the proceeds of the private sector, and then they have loaned money to each other, and the United States is borrowing money from around the world. In fact, the amount of money that is borrowed from the Chinese is now approaching \$1 trillion. And, yes, Americans have invested into American debt. But this debt is too hard a burden for us to carry.

I put a polling question up on my Web site. The news is full every day of the environmental calamity in the gulf and it goes on every day, and it is sad, and it is tragic, and I think we should turn all our efforts to shutting off the leak and cleaning up the mess, Mr. Speaker. But I asked in the polling question, what is the greatest threat to America, the gulf oil leak or the debt and deficit that this country is carrying? And about 80 percent of the respondents in the poll will say the debt and deficit is a greater threat to America than the gulf oil leak.

That gives me encouragement. That tells me the American people are on target here; that they understand the priorities and they understand the long-term implications of the debt and the deficit that we are carrying now in this economy.

But, Mr. Speaker, those are some of the issues that pick up on the previous speakers within the previous hour, and some concerns come to mind also aside from the economics. And perhaps I will come back to the economic side of this, but I think we need to talk about the rule of law for a little while here tonight.

I often come here to this floor and talk about the pillars of American exceptionalism, those essential components that have made America great. And I have listed them: Freedom of speech, religion, assembly, the right of the people to peaceably assemble and petition the government for redress of grievances, the right to keep and bear arms, which thankfully just this week the Supreme Court has reinforced.

First the Heller case established that it is an individual right to keep and bear arms, and in the case that was settled just this week, I think just yesterday is when the news came out, is that the Second Amendment, the right to keep and bear arms, affects not just the reach of the Federal Government to diminish the gun ownership rights of its citizens, but also the Second Amendment is guaranteed to protect the citizen's right to keep and bear arms from the reach of any political subdivision in America, whether it be States, municipalities, counties, whatever the political subdivisions are.

So the Second Amendment has been established and strengthened twice within this last half a decade or so, first the Heller case and now the case that came out this week. The Second Amendment is another pillar of American exceptionalism, because we know an armed population can defend itself against tyranny.

So the pillars of American exceptionalism being freedom of speech, religion, and the press; the right to peaceably assemble and petition the government for redress of grievances; the right to keep and bear arms shall not be infringed, and we will go right on up the line within the Bill of Rights. Some of them, including the rights to property, which have been subverted by the Kelo decision, and I hope one day that decision is overturned by a Supreme Court that is more prudent and the past Supreme Court that made that decision; the protection against double jeopardy and the right to be tried by a jury of our peers—the list goes on. But most of those pillars of American exceptionalism are within the Constitution and the Bill of Rights.

There are a couple of other components that are part of American exceptionalism that are not defined in the Bill of Rights or the Constitution, and that is something where one of

them, one of them, Mr. Speaker, is enshrined in the flashcards that are produced by USCIS, the United States Citizenship Immigration Services. These flashcards rights are little training cards, like you would imagine or see in a classroom that you can learn off of. The flashcard that says 2 plus 2, you snap it over and it says 4; 4 plus 4 is 8; and the list goes on.

But the flashcards for learning to become a naturalized American citizen ask simple questions, questions that you would need to know the answer to if you were going to be a naturalized American citizen. And it would start with, who is the Father of our country? And you flip the card over, George Washington. Who emancipated the slaves? Abraham Lincoln.

Question Number 11, I believe, is, what is the economic system of the United States? Flip that card over, and on the other side it says free enterprise capitalism, Mr. Speaker. The economic system of the United States. That is a pillar of American exceptionalism.

If we didn't have free enterprise capitalism, we would not be a great nation. Our economy could not have competed with that of the rest of the world. We could not have built the industrial giant that supported our people and our troops and the military around the world to win World War II. We would not have emerged as victors in World War II without free enterprise being a driving force that let the industry in America fulfill and supply the demand that we had for 16 million mostly men and also women in uniform in World War II.

We went all over the world with our economy, with our people. We brought American products everywhere in the world. There was a chance for profit. Our factories were running at a fever pitch day and night. We were building bombers and tanks and ships and parachutes, and we were providing supplies for a lot of the rest of the world whose industry had been destroyed. And at the end of World War II, we were the only industrialized country in the world that had an intact industry.

And the dollar was golden. The greenback was strong. It was a silver certificate at the time. And we saw American culture, American values, and American products spread all throughout the world. We provided a large share of the world's manufacturing and industry, and a lot of that was driven because we maintained intact that pillar of American exceptionalism called free enterprise capitalism, that freedom to produce and earn, and, yes, get wealthy, if you can figure out how to do it, keep some of what you earn, keep a lot of what you earn.

And, by the way, the unemployment rate at the end of World War II in this country was 1.2 percent. And when people argue that we have been at historically low unemployment levels and argue that 4.6 percent is that, or that that is a normal unemployment level, I

point them back to the lowest level that we have seen in history, 1.2 percent at the end of World War II. And then the number went up when a lot of our soldiers came home.

But free enterprise capitalism is what has driven the industrialized might of the United States. It has driven our military. It has taken our culture around the world. The desire to trade and market and profit from it has taken the American culture everywhere in the world. Free enterprise capitalism is an exceptional pillar of American exceptionalism.

And another one of those pillars of American exceptionalism is a legitimate, legal immigration system. The Constitution requires that Congress establish a uniform immigration system, so Congress is to do that. And I would say we have done that. It is uniform. It is consistent with the Constitution. We have an Immigration Reform Act that was passed here in this Congress in 1996 and signed into law. We need to have an executive branch that will follow the law.

But the beauty of America's immigration system has been that, up until the last generation or so, maybe the last generation-and-a-half, Mr. Speaker, it has been difficult to come to the United States of America. And the legal system that we had actually screened people out, those who came into Ellis Island, the millions that came into Ellis Island. And I can think of one day that set the record: 11,757 came through the great hall at Ellis Island on, I think I can remember the year and the date, April 15, 1907. A massive number, just like 11,757 people through there. But day by day by day they came through.

About 2 percent of those who had actually been screened before they got on the ship to come to the United States, to immigrate into the United States, even though they were screened, they were screened for good health, for sanity, so-to-speak, they were screened so they had an ability to take care of themselves, they arrived here in the United States of America.

America a century ago was a meritocracy. We didn't have a welfare system that had at this point evolved into a welfare state. It was a meritocracy. We wanted people that were physically healthy, mentally healthy, able to come here and get a job and go to work or start a business and sustain themselves and provide for themselves.

□ 1910

They were screened by conditions that we had then before they got on the ship, generally in Europe at that time, and they were screened again when they arrived at Ellis Island. They were checked physically. Sometimes, yes, they were rushed through. But even though they were screened before they came, about 2 percent were sent back to their home country because they didn't meet the standards here in America.

But almost all of them who came to the United States, almost all of them aspired to the American Dream. And many of them may have believed that the streets were paved in gold and gotten here and were disappointed to find out they were actually paved in dirt, dust, mud, sometimes cobblestones, sometimes horse manure. It wasn't quite the beautiful place that was advertised on the brochures in Europe, but they came. And some of them went back voluntarily because they didn't find the promise that they thought they had.

But all of them had a dream—almost all of them had a dream. And they shared the American Dream. And when they came here, they brought with them the dreamer's vitality, the dreamer's energy, the dreamer's stick-to-it-ive-ness, and the conviction that they could start up a life for themselves, make a life for themselves, and leave this world a better place for their children than it was for them. It's always been an embodiment and a component of the American Dream.

So the legal immigration that came to America did this, Mr. Speaker. And this is the verbal definition of one of the pillars of American exceptionalism—legal immigration skimmed the cream of the crop off of every donor civilization that sent people to the United States. When that happened, we got their vigor, we got their dreams, we got some of their capital, we got all of their work, and we've got their descendants that grew up here in America with that same dream.

And even though it might have been first generation immigrants that might have lived in a shantytown and worked in a boiler factory somewhere, they worked to make life better and they pushed their children to get an education and they taught them that America has embraced us and we have our freedom, we have our liberty here. And you need to defend our country and go out and make sure that you're going to grow up in a better opportunity than the first generation had, and make sure the third generation has more opportunities than the second and the fourth generation more opportunities than the third. And so on and so on.

And so it has been. It's been true with family after family, generation after generation. And it's embodied in a way in my family where I have a grandmother that came from Germany. She raised six sons and a daughter. Of those six sons, five of them put on the uniform to defend our country. Some of them went back to Germany in the Second World War. One was wounded at the Battle of the Bulge. My father went to the South Pacific. They didn't hesitate. They didn't hesitate to go take on the country that their mother had come from. They knew and they believed that they owed this country a debt of gratitude, and they demonstrated it. And that's part of the greatness of America, too.

But that pillar of American exceptionalism, that vitality of the Americans that come here infused with the generational tradition of that vitality, and the multiple generations, has been a significant part of American exceptionalism. And I look at the roots of these causes for American exceptionalism, and I often take this back to the Age of Reason in Greece and Roman law and how the knowledge base that was established by rational thought in the Age of Reason in Greece and the Roman law found its way through the Dark Ages and emerged in the Age of Enlightenment, the English-speaking component of the Age of Enlightenment, to be specific, Mr. Speaker.

As those qualities arrived here in the New World, in America, at the dawn of the Industrial Revolution and a continent that had at that time conceived only unlimited natural resources, low taxation, no regulation, a concept of manifest destiny, of having been the beneficiary of the Age of Enlightenment at the dawn of the Industrial Revolution and had the foundation of our Judeo-Christian values arrived here with those immigrants—most of them; that foundation of value system that comes from the birth of Christ and the redemption that comes with Christ and 1,500 years later also the Protestant reformation and Martin Luther that taught the Protestant work ethic that was picked up by the Catholics. And the Catholics did pretty good with the Protestant work ethic, is my point, Mr. Speaker.

So we've seen this vitality in this giant petri dish of America every component that we can imagine that has been positive has been here in this country, put here by providence—the natural resources, the understanding of the Adam Smithian component of economic theory, the supply and demand invisible hand component of economic theory, the Age of Reason from Greece and the Roman law that found their way through the Dark Ages and emerged as the Age of Enlightenment, all here in the United States of America. It was unlimited natural resources that go along with it.

Those components, driven by the vitality of the immigrants that have come here, have been essential to this Nation rising through the challenges of the ages and facing off against the world when we didn't see ourselves as a world power. We didn't see ourselves as a world power when we found ourselves in the Spanish-American War. And so we have the legacy of that that exists today. Puerto Rico is one of those components. The Philippines is another. That goes around the world pretty well.

We didn't view ourselves as a global power, but we had a global reach after having had the Maine sunk in Havana Harbor. America had a global reach. Even though we didn't, again, see ourselves as a global power, we got in at the tail end of World War I and made a

difference and changed the balance. And now we were a player in the world that needed to be contended with. It's not to go out and find a war to do that. They came to us because we had to defend the liberty and the freedom in the world and align ourselves with people that believed in the same values.

And a generation after World War I, along came World War II. Now, that was a cataclysmic conflict where tens of millions died, and America emerged as the world power and the dominant force in the world until such time as the Cold War began. And even then, 45 years of the Cold War, a Cold War that started I think we can see it with the Berlin Airlift, which the anniversary of it just began a few days ago, but the United States stood strong and we faced off against the Cold War and the Soviet Union, and there was a game going on, a very high-stakes, life-or-death game; even a life-or-death for the planet game going on.

And at the end of it, in about 1984, Jean Kirkpatrick, as Ambassador to the United Nations appointed under Reagan, had stepped down from that post, and she said as she stepped down—and this will be a paraphrase of her quote, Mr. Speaker. She said, What's going on between the United States and the Soviet Union—speaking of the Cold War—is chess and Monopoly on the same board. And the only question is: Will the United States of America bankrupt the Soviet Union economically before they checkmate us militarily?

That race was going on and the Soviet Union was seeking to build more and more missiles to try and gain an advantage that would cause us to have to concede to them or capitulate on foreign policy, at least, at a minimum; but Ronald Reagan came in and pushed the resurgence of our national defense, built the missiles back up again, and in the process of doing so, November 9, 1989, the Berlin Wall came down.

That's the power of an economy and the power of an ideology over a managed economy, a communist economy, a central command economy. That's the power of it all, Mr. Speaker. This country has been a powerfully strong superpower in the world and the only unchallenged superpower in the world in the aftermath of the Wall coming down on November 9, 1989, and subsequently the implosion of the Soviet Union. It took it about another year and a half to finally get itself wound down.

But we are standing here as the unchallenged superpower in the world in significant and essential part because we have a free enterprise economy. Well, we had a free enterprise economy, and now we are getting a managed economy that's someplace over there. It looks like it's to the left of Europe.

They're lecturing us. Don't spend too much money. They didn't argue we shouldn't do so much nationalization. They're guilty of that, too. But there have been a lot more dollars' worth of

private sector economy nationalized by this President than by Hugo Chavez. And that's not a stretch, Mr. Speaker. It's simply a fact that as Hugo Chavez is blown away by tens of millions, hundreds of billions of dollars.

And how do we get this economy back? I'll submit that it isn't going to happen under this President. President Obama is not going to let go of companies that have been taken over by this Federal Government. I asked the question of the Secretary of the Treasury, under oath, and actually I presented it in a written form because we ran out of time in the hearing. The question is, President Obama was elected at least in part because of his challenge to President Bush for President Bush allegedly not having an exit strategy in Iraq.

□ 1920

We've all heard that. That rhetoric is old and we've forgotten about it, but it's back there, and the RECORD is full of it, Mr. Speaker.

So my question to the Secretary of the Treasury, Tim Geithner, was: If the President has been elected in part for his criticism of President Bush for not having an exit strategy in Iraq, what is the exit policy for the Obama administration to divest themselves from the takeover of the banks, insurance companies, Fannie and Freddie, the car companies that I have listed here earlier in this dialogue, Mr. Speaker. What is their strategy for divesting themselves and giving the private sector back to the private sector? The answer that I received—and granted, they're buried, and they're probably short staffed. They took a couple of months. I will give the Secretary of the Treasury credit. At least he answered my letter. Often I don't get letters from the other Cabinet members that we have. And the answer essentially was this—a couple of months to get the letter back, a seven-page letter, and it boils down to: He would know when the time was right to divest the Federal Government from the ownership, management or control of these entities that have been nationalized. He would know when the time was right. There is no written criteria, and he could make the decision then at the right time. In other words, it's really not your business. I'm not going to write down a formula. We may or may not have an intent to divest the Federal Government from the banks and AIG and Fannie and Freddie. They don't intend to let go of Fannie and Freddie. Fannie and Freddie have an implicit guarantee—actually, it's now a specific guarantee. The taxpayers will bail them out. They are not covered in this financial regulatory reform bill, the Barney Frank/Chris Dodd bill that's designed to solve our economic woes.

I have looked down through some of these things that are not very well known about what's in the financial regulatory reform bill. Out of the House, we know it as H.R. 4173. We

know that there is a conference report. They found out that even though the best judgment of the conference committee produced a result, the votes aren't there. So they're going back to change the conference report and see if they can find the votes to get it passed. I am troubled a little by the procedure, Mr. Speaker.

But here are some things that are in it, and they're not likely to come out. I want to speak to the issue of the focus on special provisions for women and minorities that are in the bill. Now I point out, Mr. Speaker, that I've dealt with this for a long time, with set-asides and had to compete against provisions that are written into Federal contracts as set-asides. I have spent a lot of my life as a contractor doing site development work of all kinds, earthmoving, pipe, concrete work, underground work, demolition work. We would do some seeding, some fencing, those kinds of things, and some concrete work.

I bid a lot of contracts in my professional life, and I can think of one in particular that I will use as an example. The Federal Government has set aside special components. Sometimes a contract is set aside for women or minorities, and no one else can bid it. Now, I had a small company, and I had to start from scratch. I didn't have any capital to begin with. I actually had a negative net worth of \$5,000. I convinced a banker to loan me enough money to buy me an old beaten-up bulldozer, and then I started to work. So I had to build capital with sweat equity and moxie and anything else that could be done that was legal and moral and ethical. I tried to outwork my competition and outsmart my competition and slowly build up an operation where I got a second machine, a little capital, another machine, hire another man, buy another machine, hire another man, and get some capital underneath me to get to the point where I could bond these projects. And there are a lot of sad stories along the way. It's a very difficult thing to build the capital to be able to bid some of these projects.

But all the way along the way, I knew that I was disadvantaged. Big money had a big advantage over on me. The people that were wired in and entrenched, they had a significant advantage over me. I was trying to crack into that without the capital, was short on equipment, short on manpower, strong on ambition, willing to work and work longer and harder hours than anybody else would. But the deck was stacked against me. That's why there aren't a lot of people in the business, because the system and the structure is set in such a way with capital requirements, it's capital intensive with equipment and meeting the regulations for employees, et cetera. So I know how hard that is.

But I would need a project that fit our equipment. It needed to be smaller projects. When it got into the millions

of dollars, we didn't have the ability to bond that, especially in the beginning. And so I needed those projects that were down there—\$100,000 project, \$3,200,000 project, maybe a \$300,000 project. And so I would look for the bid notifications to pick up those projects that fit the things that we could do, that were small enough that we could bid the project. And quite often, I would draw a set of plans and there would be a provision on there that would say "minority set-aside." I couldn't bid the projects because it's a project set aside for a minority or maybe a woman-owned business or sometimes either/or. And I have gotten a little sensitive to this.

I recall a larger project. When I got to the point where I could bond the larger projects—and this is a lifetime of work to get to that point, by the way. And I drew a set of plans for a sewer lagoon project in a city, and I remember right where it is and a lot of the details of the specs. But I was familiar with the engineering firm, familiar with the specifications, so I sat down to put the project together. I spent 4 days getting quotes from suppliers and subcontractors, calculating the volume and the quantities that are there, putting the bid together as best I knew, looking at the project and negotiating to make sure that I drew all the best bids that I could from subcontractors, all the best bids that I could from suppliers. And when I put that together, a man has an honorable responsibility to honor the low bid. I'm bidding for a low bid. The people who bid to me as subcontractors and suppliers, I want their best bid. I want their low bid, and I will honor it, and I will keep it confidential until such time as the bids are opened. That's the standard that needs to exist in the industry.

So I spent 4 days doing that. I got my numbers all together. And right before it was time to submit my bid, I gave one last read through the specifications, and in there, it said that there was a percentage of set-asides for minority contractors. I looked—and I think I could guess at the percentage, but I probably better not guess. It is not a large percentage. I will say under 20. But to find a minority contractor that would do a small part of that project—even if I handed it to him—was an impossibility. I went to the list of contractors. I worked the phones. I called other people that I knew, suppliers and contractors, and said, Where is somebody out here that can do the seeding or the fencing or the riprap work or take on any component of this job, any part of it? Is there somebody that can, somebody that will? The answer was no. There was nobody that could be found. And I had to take that 4 days' work and just toss it in the trash and forget it because it was set aside for minority contractors, the component of it was that I couldn't meet.

Now, if somebody was a large construction company and they had an es-

pecially established minority contractor that they used to plug in to those circumstances, they had a bidding advantage, and those types of situations got set up. They got set up in part because the government created a false demand, and we couldn't find people that would do the job, and so there were sometimes contractors set up that didn't have a desire or a knowledge. They were just a straw man that was used to meet regulations.

□ 1930

I recall a project that was about \$5 million in asphalt paving. There was a minority set-aside on the project for a percentage of the project that came to a number, I'm going to guess that number was around \$250,000 to \$300,000 of that needed to be set aside for a minority contractor. They got bids from a couple of minority contractors who know they can inflate their prices because they're only competing against each other. And at the end, the prime contractors, the asphalt pavers, had to take the one minority contractor and add \$100,000 to his price because they didn't have enough dollars to meet their requirement that was set up by the Federal Government.

So think of what it would be like if you came in and did bridge railings or bridge approaches for large paving projects and you were a minority contractor and you could write your own ticket, and your conscience wouldn't let you write that ticket any higher. You'd priced that out.

And then to have them say, well, I'm going to take your bid for \$250,000 to do the bridge railings and the approach here, even though it's half again more, maybe twice as high as the going rate would be if it were bid competitively amongst the other folks in the business. And I'm going to take your price.

And they wouldn't even tell the minority contractor, they would just put the bid in. They'd add the dollars they needed to it. If they got the job they'd have to go to the minority contractor and say, we added another \$100,000 to your price because we needed to have the percentage that's required by the Federal Government. An extra \$100,000 above the asking price.

These are projects that I've worked with that I know, having been involved in them as another bidder on these projects.

So, imagine getting 10 jobs a year like that and being handed a million dollars extra more than you asked for because there's a set-aside. Now, whatever that does to destroy the work ethic and the professionalism of the minority contractor, it is a cheat on the American taxpayer, and it's got to end.

And yet, I lay all this backdrop on here because, Mr. Speaker, I've got the sheet on what happens with the Barney Frank-Chris Dodd bill. It establishes an Office of Minority and Women Inclusion. They will be an agency responsible for diversity in management, employment, and business activities.

Now, I think we ought to have equal opportunity. I've stood up and defended equal opportunity, and my voting record in this Congress is more consistent with equal opportunity than anyone I know, certainly anybody on that side of the aisle because they vote for preferences. These preferences, Ward Connerly and I agree, Proposition 209 in California, I have sought to establish that as part of the law of the land in the state of Iowa, where I believe that the State shall not discriminate against nor grant preferential treatment to any individual or group on the basis of race, creed, color, ethnicity, or national origin. I believe that would be very close to a verbatim quote of title VII of the Civil Rights Act and Proposition 209 in California. The result of that, Ward Connerly's great work in California, in 1995, when they passed Proposition 209 they had quotas. They had set-asides. There was an Asian quota at the University of California Berkley. They wanted to make sure 12 percent of the students were Asian.

Well, Mr. Speaker, 5 years later, after the constitutional amendment in California lifted and ended the preferences, the student body at the University of the California Berkley was 46 percent Asian, not 12 percent. I think that's a good thing, Mr. Speaker. I think it shows how merit rewards people. And maybe it started out in the beginning that there would be a 12 percent quota, a racial set-aside for Asian minorities at the University of California Berkley or any place else out there in California for that matter. But it got turned on its head by the ambition of the people. And when the cap came off and the Constitution protected the merits of the individuals so that no one would be discriminated for or against, shall not discriminate against or grant preferential treatment to any individual or group on the basis of race, creed, color, ethnicity, or national origin. That is a beautiful statement. It's legally sound. It's rationally sound. It's morally sound. And it's consistent with America because it rewards merit. And it says, you will have an equal opportunity with everyone in this country, and no one shall discriminate against you, and no one shall discriminate in your favor either. Equal opportunity. Compete in the marketplace.

Well, this Barney Frank-Chris Dodd financial regulatory reform bill does anything but that, Mr. Speaker. It provides this Office of Minority and Women Inclusion.

If anybody's wondering what the effect is, when you pass legislation that says, this legislation shall be set aside, these assets of America shall be set aside, these taxpayers dollars that are borrowed from the labor of our grandchildren shall be set aside for women and minorities, do you know what that says, Mr. Speaker?

In a rational world, the Greeks would have understood this. They would have probably written it in Greek, but it

would have said anybody but white men. That's what the definition of women and minority set-asides are. They're set aside for anybody but white men. Now, nobody wants to say that out loud, but this legislation is replete with this language. Women and minorities, women and minorities, equal employment opportunity, and the racial, ethnic, and gender diversity of the workforce and senior management. The gender diversity of workforce. The racial, ethnic, and gender diversity of the workforce.

Now, they know they can't do this by law. They know that the Supreme Court has ruled that it has to be, in the case of the two cases of Michigan, it can't be a formula. It can't be a quota set-aside formula. It has to be an individual evaluation if they're going to be able to allow for a bias in favor of a particular minority that they might define. And even though her last dissenting opinion I agreed with strongly, Justice O'Connor's, and that was the Kelo decision—I found myself on exactly the same page with Sandra Day O'Connor, I completely disagreed with the concept that she wrote in the majority opinion in the Michigan case, or cases, but the one that I'm thinking of is when she wrote that we could perhaps go back and revisit the equal protection clause of the Constitution in 25 years, and maybe our society would have matured to the point where we wouldn't need to have a built-in, let's say a built-in diversity quotient.

Well, you don't correct an injustice with another injustice, Mr. Speaker. Two wrongs don't make a right, to put it in simple mother-to-son language or mother-to-daughter, father-to-daughter language. Two wrongs don't make a right. You don't correct an injustice with another injustice.

But equal opportunity, Martin Luther King's dream, that's consistent, logically, morally, legally. And this bill that is now back in conference to be reshaped to try to get the votes to get it to pass, violates many of those rational principles that I think are the purest principles of America; equal opportunity under the law.

This bill provides for and requires increased participation of minority-owned and women-owned businesses and programs, and in contracts of the agency. Increased from what I don't know, but it has to be increased. And it requires that they develop standards to maximize standards and procedures to ensure—this is interesting language—to the maximum extent possible the utilization of minorities, women, and minority-owned and women-owned businesses, and all businesses and activities at all agency levels. It requires each agency to take affirmative steps to seek diversity. Okay. I'm actually pretty good with that. I think that message should go out there. I think there should be ample opportunity for all people to apply for contracts and jobs. That part is all right. They want to partner with the inner city which is,

of course, a code word. And as I look down through this, it reads and drips through with politically correct language. It says at the conclusion here, it says section 113, the regulation of certain nonbank financial companies.

And again, Mr. Speaker, this is the Barney Frank-Chris Dodd bill. Those two fellows that have put this together, they didn't find a way to put any regulation on Fannie and Freddie. But their bill, under the section 113 regulation of certain nonbank financial companies, it says, the council, the regulating council, should consider, and I'll quote: "The importance of the company as a source of credit for low-income, minority, or underserved communities and the impact that the failure of such company would have on the availability of credit in such communities." And that means, when determining whether a U.S. nonbank financial company shall be supervised by the board of governors and subject to prudential standards.

In other words, this importance of the company as a source of credit for low-income minority and underserved communities, and the impact for the failure of such company, it means the government's going to look differently at these companies if they are serving a minority community, which means their capital requirements are likely to be less. Their regulatory requirements are likely to be less. They will give special consideration; it will not be a balanced, even hand of government. That's essentially guaranteed with the language in this legislation.

This justice is not color blind. This lady justice is not color blind. And it's written into the law to give preference.

And so, what it means is, when I read the language, U.S. nonbank financial companies shall be—let's see—when these conditions, when determining whether a U.S. nonbank financial company shall be supervised by the board of governors and subject to prudential standards. We also know this legislation allows for the Federal Government to determine which financial institutions go into receivership, the standards by which they may set the conditions of that receivership, they can determine the successor owner.

□ 1940

So if a financial institution should be shaky or deemed shaky, then the Secretary of the Treasury, with the assent of the FDIC and the Fed, can close down an institution, they can turn it and sell it, they can take it over themselves and run it and operate it as a federally operated institution simply by determining that.

Maybe it's not too big to fail, though they may make that determination, too; but it might be an agency, a company that is essential to the low-income communities, low-income minority or underserved communities. That gives them the latitude to treat it differently than any other financial institution.

When government gets involved, huge money gets lost. And when liberals get involved and progressives get involved, huge principles of liberty and freedom are sacrificed away to try to reach some kind of a formula of what they think that America should be like.

Martin Luther King never asked for this. I have read almost every one of his speeches, and many of his writings. I heard all of it. I can think of nothing in his writings or his speeches that I disagree with. He stuck to American principles. But this Congress under Pelosi leadership, this President has not stuck to American principles. They have gone all the other way to driving America off the abyss, into a managed socialist economy, and trying to write formulas in here where they pick winners and losers, and giving the Federal Government the authority to shut down or subsidize or set the price on financial institutions. All of this is anathema to America and the American Dream.

We can't have this vitality of this country if we are going to have the Federal Government controlling the movement of our lives in this fashion, writing prescriptions for equality of results, and granting bureaucrats and actually charging bureaucrats with an obligation to produce equality of results as opposed to equality of opportunity.

You know, it's the outreach part I don't necessarily object to. Go ahead and do the outreach. Let the people know in the majority minority colleges that there is jobs and opportunities out there. Take it out there where they can hear it and understand those opportunities. But don't hold it away from the other institutions either. But this President has driven an agenda that pits Americans against Americans.

And I think, Mr. Speaker, that given the time that I have left I would transition into this. It's a case that I have raised over and over again. It's one I am committed to continue raising, and that is apparently the White House has given an order of more than a year ago to the Justice Department to cancel the prosecution in the most open-and-shut case of voter intimidation in the history of America. I have spoken about this before on the floor; I have spoken about it within the media. I have tracked this case, and I know a little about it.

The story I am looking at, though, is in yesterday's Washington Times. Monday, June 28, 2010, the Washington Times. The title of it is "Inside the Black Panther Case." The subtitle, "Anger, Ignorance and Lies." This is an article written by J. Christian Adams. He writes about the New Black Panther case.

Now, to lay the backdrop and the image for this, many of us have seen this on YouTube. In the elections of 2008 in Philadelphia at a polling loca-

tion, the New Black Panthers were organized there, and allegedly in other places. These New Black Panthers are not like the old Black Panthers. These are, I think, more dangerous than the old Black Panthers. But they were there in paramilitary uniforms, including berets, standing in front of the polling place, with a billy club in their hand, smacking it in their hand, and intimidating voters that came in, calling people crackers and many other intimidating components of language.

We've seen that video on YouTube. This is the most open-and-shut voter intimidation case in America, and I will say in the history of America because we didn't have a voter intimidation law until the Civil Rights Act was passed in 1965.

So this article, written by Christian Adams, who has just resigned as an attorney, he is a lawyer based in Virginia, and he served as a voting rights attorney at the Justice Department until this month. And so we have J. Christian Adams wrote this article into the Washington Times. And, Mr. Speaker, I am going to seek to put it into the RECORD:

"On the day President Obama was elected, armed men wearing the black berets and the jackboots of the New Black Panther Party were stationed at the entrance of a polling place in Philadelphia. They brandished a weapon and intimidated voters and poll watchers. After the election, the Justice Department brought a voter intimidation case against the New Black Panther Party and those armed thugs. I and other Justice attorneys diligently pursued the case and obtained an entry of default after the defendants ignored the charges. Before a final judgment could be entered in May of 2009, our superiors ordered us to dismiss the case.

"The New Black Panther case was the simplest and most obvious violation of Federal law I saw in my Justice Department career. Because of the corrupt nature of the dismissals, statements falsely characterizing the case and, most of all, indefensible orders for the career attorneys not to comply with lawful subpoenas investigating the dismissal, this month I resigned my position as a Department of Justice attorney."

I continue the article by J. Christian Adams, former DOJ attorney: "The Federal voter intimidation statutes we used against the New Black Panthers were enacted because America never realized genuine racial equality in elections. Threats of violence characterized elections from the end of the Civil War until the passage of the Voting Rights Act in 1965. Before the Voting Rights Act, blacks seeking the right to vote and those aiding them were victims of violence and intimidation. But unlike the Southern legal system, Southern violence did not discriminate. Black voters were slain, as were

the white champions of their cause. Some of the bodies were tossed into bogs, and in one case in Philadelphia, Mississippi, they were buried together in an earthen dam."

Temporarily close quote and point out the irony of the brutal tragedy in Philadelphia, Mississippi, and I have been there, Mr. Speaker, and the New Black Panthers intimidating voters in Philadelphia, Pennsylvania, the City of Brotherly Love. Philadelphia, Mississippi, Philadelphia, Pennsylvania, City of Brotherly Love, billy clubs, calling people crackers, scaring them away from the polls.

I will continue with the quote: "Based on my firsthand experiences, I believe the dismissal of the Black Panther case was motivated by a lawless hostility toward equal enforcement of the law. Others still within the Department share my assessment. The Department abetted wrongdoers and abandoned law-abiding citizens victimized by the New Black Panthers. The dismissal raises serious questions about the Department's enforcement neutrality in upcoming midterm elections and the subsequent 2012 Presidential election. The U.S. Commission on Civil Rights has opened an investigation into the dismissal of the DOJ's skewed enforcement priorities. Attorneys who brought the case are under subpoena to testify, but the Department ordered us to ignore the subpoena, lawlessly placing us in an unacceptable legal limbo.

"The Assistant Attorney General for Civil Rights, Tom Perez, has testified repeatedly that the facts and law did not support this case. That claim is false. If the actions in Philadelphia do not constitute voter intimidation, it is hard to imagine what would, short of the actual outbreak of violence at the polls. Let's all hope this administration has not invited that outcome through the corrupt dismissal.

"Most corrupt of all, the lawyers who ordered the dismissal—Loretta King, the Obama-appointed acting head of the Civil Rights Division, and Steve Rosenbaum—did not even read the internal Justice Department memorandums supporting the case and investigation. Just as Attorney General Eric Holder, Jr., admitted that he did not read the Arizona immigration law before he condemned it, Mr. Rosenbaum admitted that he had not bothered to read the most important Department documents detailing the investigative facts and applicable law in the New Black Panther case. Christopher Coates, the former Voting Section chief, was so outraged at this dereliction of responsibility that he actually threw the memos at Mr. Rosenbaum in the meeting where they were discussing the dismissal of the case. The Department subsequently removed all of Mr. Coates' responsibilities and sent him to South Carolina.

"Mr. Perez also inaccurately testified to the House Judiciary Committee that

Federal rule number 11 required the dismissal of the lawsuit. Lawyers know that rule 11 is an ethical obligation to bring only meritorious claims, and such a charge by Mr. Perez effectively challenges the ethics and professionalism of the five attorneys who commenced the case."

□ 1950

"Yet the attorneys who brought the case were voting rights experts and would never pursue a frivolous matter. Their experience in election law far surpassed the experience of the officials who ordered the dismissal.

"Some have called the actions in Philadelphia an isolated incident, not worthy of Federal attention. To the contrary, the Black Panthers in October 2008 announced a nationwide deployment for the election. We had indications that polling-place thugs were deployed elsewhere, not only in November 2008, but also during the Democratic primaries, where they targeted white Hillary Rodham Clinton supporters. In any event, the law clearly prohibits any isolated incidents of voter intimidation.

"Others have falsely claimed that no voters were affected. Not only did the evidence rebut this claim, but the law does not require a successful effort to intimidate it; it punishes even the attempt," to intimidate.

"Most disturbing, the dismissal is part of a creeping lawlessness infusing our government institutions. Citizens would be shocked to learn about the open and pervasive hostility within the Justice Department to bringing civil rights cases against nonwhite defendants on behalf of white victims. Equal enforcement of justice is not a priority of this administration. Open contempt is voiced for these types of cases.

"Some of my co-workers argued that the law should not be used against black wrongdoers because of the long history of slavery and segregation. Less charitable individuals called it 'payback time.' Incredibly, after the case was dismissed, instructions were given that no more cases against racial minorities like the Black Panther case would be brought by the Voting Section.

"Refusing to enforce the law equally means some citizens are protected by the law while others are left to be victimized, depending on their race. Core American principles of equality before the law and freedom from racial discrimination are at risk. Hopefully, equal enforcement of the law is still a point of bipartisan, if not universal, agreement. However, after my experience with the New Black Panther dismissal and the attitudes held by officials in the Civil Rights Division, I am beginning to fear the era of agreement over these core American principles has passed."

That's the end of the article written by J. Christian Adams, Department of Justice attorney with considerable experience, and this is a case that I've

been intimately familiar with for over a year.

Certainly, like many Americans, I've seen the video, and there's no excuse for canceling the most open-and-shut voter intimidation case in America, and since 1965, we've not had a case that we know of that's been this bad. I don't know what could possibly come forward that would render a case worthy of prosecution by the Holder Attorney General's office or by the President of the United States.

We know that there is significant influence from the White House into the Justice Department. One of the ways and one of the reasons we know that is because Attorney General Holder testified before the Judiciary Committee, in the same hearing where he infamously admitted that he hadn't read Arizona's immigration law, he also conceded that the President had directed him to use the Justice Department to seek to invalidate Arizona's immigration law. Now, that's Presidential interference and influence, and for the Justice Department, and Eric Holder in particular, to testify that day that they're not a political operation, they're not influenced by politics, they're only influenced by the rule of law, I think this case that was in the Washington Times yesterday, expert and written by J. Christian Adams, belies that point.

HONORING MARK ROGERS AS PRESIDENT OF NATIONAL AUCTIONEERS ASSOCIATION

The SPEAKER pro tempore (Ms. KILROY). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to honor Mark Rogers of Mount Airy, North Carolina. Mark is an accomplished auctioneer and real estate broker and has been in the business for nearly 30 years.

Over his distinguished career, Mark has conducted auctions in a dozen States, selling estates, farm machinery, equipment, and real estate at public auction. As a real estate broker, he served as the regional vice president of the North Carolina Association of Realtors in the early 1990s. He was also the president of the local Board of Realtors in 1987 and was named Realtor of the Year for the local board in 1986. It should come as no surprise then to learn that Mark was elected to be president of the National Auctioneers Association last year and takes office this July.

What's remarkable about this achievement is that Mark's father, Bracky Rogers, who founded the family's real estate and auction business in 1964, has also served as the president of the National Auctioneers Association. When Mark takes over as president, he and his father will be the first father-son duo to have both been elected president of the association.

Before being elected as the National Auctioneers Association's president,

Mark served as president of the North Carolina Auctioneers Association in the 1990s and in 2003 was inducted into the Auctioneers Association of North Carolina Hall of Fame. He was elected director for the National Auctioneers Association in July 2003, treasurer in July 2007, and vice president in July 2008.

Just as impressive as his professional qualifications is the personal character that commends him as an exemplary North Carolina citizen. He is known as an active participant in his community, giving back and reaching out to those who need a helping hand.

Among his many pursuits in the community is his work with Habitat for Humanity, The Shepherd's House, and with Young Life of Surry County. He's also a member of First Baptist Church of Mount Airy. He and his wife, Deidre Blackmon Rogers, have been married for more than 25 years and are active in their children's activities.

The people of Mount Airy are proud to have such a committed businessman as part of the community. He is an asset to the State of North Carolina and to the people of Mount Airy. Today, I congratulate him on becoming the president of the National Auctioneers Association and wish him the very best during his tenure.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. KILROY) at 8 o'clock and 30 minutes p.m.

CONFERENCE REPORT ON H.R. 4173, DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT

Mr. FRANK of Massachusetts submitted the following conference report and statement on the bill (H.R. 4173) to provide for financial regulatory reform, to protect consumers and investors, to enhance Federal understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes:

[The text of the conference report will appear in book II of this issue.]

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested: