



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, WEDNESDAY, APRIL 29, 2009

No. 64

## House of Representatives

The House met at 10 a.m.

Rev. Grzegorz "Greg" Brozonowicz, St. Mary's, Mother of the Redeemer Roman Catholic Church, Groton, Connecticut, offered the following prayer:

Gracious God, the men and women assembled here to serve the American people ask You for a blessing.

We pray that, through Your grace, they gain the vision to see clearly, the courage to act rightly, the humility to consider all sides of issues, the love to accept disagreement, and the faith to persevere through discouragement and adversity.

May they have the wisdom to see America's destiny as linked to Your will.

We thank You, Lord, for the opportunity to serve and to grow in that service.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOMING REV. GRZEGORZ "GREG" BROZONOWICZ

The SPEAKER. Without objection, the gentleman from Connecticut (Mr. COURTNEY) is recognized for 1 minute.

There was no objection.

Mr. COURTNEY. Madam Speaker, it is a pleasure to introduce this morning Father Grzegorz Brozonowicz, otherwise known as "Father Greg," at St. Mary's, Mother of the Redeemer Parish, in Groton, Connecticut, who delivered a beautiful prayer this morning, and he has a wonderful story in his life.

He was born in Poland, was educated in Poland, came to the U.S. in 1990, went through the seminary in our country, was ordained as a parish priest by the Archdiocese of Norwich in 1996, and is now a leader at his church in Groton, Connecticut.

He does appear to have a humble demeanor, but I would just say, Madam Speaker, that he is a very dynamic priest. He has a growing parish. He has many programs reaching out to young people, having them involved in the community, helping the disadvantaged. He is setting up a twinning parish program in Haiti to try and reach out, again, to deal with the huge challenges that that impoverished country faces.

He became an American citizen a few days before Christmas, this past Christmas of 2008, and like many Roman Catholic churches throughout our country, there clearly is a pipeline from Poland now that is populating our parishes and keeping a vibrant church alive and well in the U.S.

I want to thank him for his great service and for his great words this morning.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further 1-minutes on each side of the aisle.

### NATIONAL AUTISM AWARENESS MONTH

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Madam Speaker, I rise today in honor of National Autism Awareness Month.

Each April, Americans have a special opportunity to learn more about autism. In south Florida, we have a vibrant community of activists and families fighting every day to raise awareness and funds for scientific research on the causes of and cures for autism. Two of the strongest voices in our community belong to Suzanne and Bob Wright, the founders of Autism Speaks.

In just 4 years, this extraordinary organization has committed an unprecedented \$128 million in new research funding to uncover causes, treatments and cures for autism. In addition to supporting scientific research, Autism Speaks builds community among families with autism, and it raises awareness in south Florida, around the country and around the world.

In recognition of Autism Awareness Month, I commend Susan and Bob Wright and Autism Speaks, as well as all of the families in our community facing autism.

### HONORING THE WOMEN AIR FORCE SERVICE PILOTS OF WWII

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise in support of H.R. 2014, a bill that Congresswoman SUSAN DAVIS and I have introduced, which honors the Women Air Force Service Pilots of World War II.

WASP, or Women Air Force Service Pilots, were the first women in history to fly America's military aircraft. Between the years 1942-1944, these courageous women volunteered to fly non-combat missions so that every available male pilot could be deployed in combat.

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H4917

By the time the war ended, 38 women pilots had lost their lives while flying for our country.

These valiant women have never received the full recognition that they deserve for their wartime military service to America. Their example paved the way for women who today fly every type of aircraft.

My daughter-in-law, Lindsay, flies F/A-18 fighter jets for the Marine Corps thanks to these courageous women. Of the 1,102 WASPs trained during World War II, only 300 of these women pioneers are still alive today.

Madam Speaker, the time is now for us to honor these women with this body's highest honor, the Congressional Gold Medal. As such, I urge my colleagues to cosponsor this bill, and I urge its prompt consideration.

#### HONORING FORMER STATE SENATOR CONSTANCE WILLIAMS

(Mr. SESTAK asked and was given permission to address the House for 1 minute.)

Mr. SESTAK. Madam Speaker, I rise to acknowledge the fortitude, forbearance and intelligence of former State Senator Constance Williams, who brilliantly represented the 149th Legislative District of Pennsylvania from 1997 until 2001. She then was victorious in a special election and was elevated to Pennsylvania senator, serving with distinction the 17th Senatorial District of Pennsylvania from 2001-2008.

Connie, a leader who chose to devote her energies to political life in support of her district's citizens, served in that post until she retired at the peak of her powers and abilities just last year.

Throughout her career in public life, Connie always led by example and never lost sight of the fact that political leaders are, first and foremost, public servants. She was a tireless and revered champion of so many issues, from women's rights and equality to strong public schools, and her embrace of the principles of honest, good governance earned her respect and admiration throughout the community and across the political spectrum.

When asked about her life in politics, Connie had the best and, perhaps, the only appropriate response: "I love working with and for people," she said.

Senator Constance Williams remains a vibrant figure in Pennsylvania politics today, and is a deserving example of future leaders to embrace.

#### THE RELEASING OF INTERROGATION MEMOS HAS MADE US LESS SAFE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, the selective release of memos on the enhanced interrogation methods of the previous administration has made us less safe.

Four former CIA Directors, as well as the current Director, advised against releasing these memos.

As ex-CIA Director Michael Hayden recently said, "If you look at these documents that have been made public, it says 'Top Secret' at the top. The definition of 'Top Secret' is information which, if revealed, would cause grave harm to the United States' security." Furthermore, General Hayden said that the use of these interrogation techniques against these terrorists made us safe.

The release of the top secret memos were motivated by politics, pure and simple. They were designed to embarrass, not to protect. So much for President Obama's promise to look forward, not backward. These memos never should have been released.

As another former CIA Director, Porter Goss, recently wrote, "We can't have a secret intelligence service if we keep giving away all the secrets."

#### HONORING THE MEN AND WOMEN OF TROOP B, 1-98TH CAVALRY REGIMENT OF THE MISSISSIPPI NATIONAL GUARD

(Mr. CHILDERS asked and was given permission to address the House for 1 minute.)

Mr. CHILDERS. Madam Speaker, I rise today to honor the brave men and women of the Troop B, 1-98th Cavalry Regiment of the Mississippi National Guard.

These soldiers of Company B, based in Booneville, Mississippi, were deployed in January of 2005 as part of Operation Iraqi Freedom. After extensive training, Company B has loyally served our Nation in the past, and will leave soon to once again protect freedoms abroad.

I would like to call attention to the very nature of the Mississippi National Guard and of their fellow units in Mississippi as well as in other States. These weekend warriors are prepared not only to serve abroad but to assist in domestic situations when called upon, all the while working everyday jobs and supporting their families.

I thank my colleagues for keeping Troop B, 1-98th Cavalry Regiment of the Mississippi National Guard in their thoughts and prayers as these heroic men and women redeploy to the Middle East. Please join me in honoring Troop B 1-98th for their continuing service to America.

□ 1015

#### DEBT DAY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, Debt Day is the day on which the government runs out of money in a given year and all of the government spending for the rest of the year is borrowed money.

For 2009, Debt Day fell on April 26, this past Sunday. This is an astonishingly early day in the year to run out of money. Last year, it was August 5. So in 4 months, this Congress and this administration has shattered all previous records for debt levels, moving Debt Day up in the calendar over 3 months from last year. President Obama and this Congress make the Bush deficit look trivial.

Friends, this is the most valuable and expensive credit card in history, a Member of Congress voting card. This Congress has taken out their credit cards and saddled our children and grandchildren with debt, mortgaging their future.

Since the first of the year we've spent \$350 billion in TARP, billions in auto bailouts, \$787 billion in stimulus, \$410 billion in omnibus, \$3.5 trillion in the budget—mostly borrowed money—all of this debt dumped on future generations.

#### COMPREHENSIVE IMMIGRATION REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, President Obama reaffirmed his commitment for comprehensive immigration reform in an interview on Univision. The President believes "that it is in the interest of everybody, and in the interest of the U.S. economy over time, for us to resolve this issue in a comprehensive way."

The immigration crisis is not a problem to be left to solve tomorrow or sometime in the future. I support President Obama as he reiterates that we need to "resolve the issue in a comprehensive way that provides a pathway to legalization but also deals more effectively with our borders." He has created hope and the change that this country really believes in.

We cannot ignore the 12 to 14 million undocumented immigrants working beside the rest of us every day. Thousands of young children who are U.S. citizens are being left stranded to fend for themselves as an immigration system is tearing them from their parents.

I urge my colleagues and House leadership to work with the CHC and President Obama to support a comprehensive immigration reform that respects all families.

#### STOP THIS SPENDING

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Madam Speaker, Mr. President, I think it's time to listen to the American people. I recently received a letter from one of my constituents. They said, "I have a job, a family, a mortgage and, yes, I have indulged in the credit card mess, but my husband and I have been working diligently over the last 13 months to reduce our debt. My husband took on a

part-time job to help in the matter. I have also gone back to college to further my education.

“Our lives are crazy with work, school, family, teenagers and obligations, yet we manage to pay our bills and make sure Uncle Sam receives his fair share. We have scaled back luxury items to achieve the goal of one day being debt free. We have a budget for our personal finances, and when the money is gone, we stop spending.

“The idea of Congress and our President has of spending money that does not exist is absolutely insane. What kind of message are we sending to our children when our government cannot even balance its own budget and abide by it?”

Madam Speaker, Mr. President, listen to the American people: Stop this spending.

#### CLEAN GOVERNMENT

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Good morning, Madam Speaker.

I rise this morning to address the importance of clean government and to urge my colleagues to support a number of measures that will come before this House to help assure that clean government.

Citizens deserve and expect to know that their elected representatives are acting purely in their best interests and they, particularly in this moment of crisis, should know that we act exclusively without conflicts of interest.

I am proud to cosponsor legislation that would prohibit Representatives in this House from taking campaign contributions from those for whom they have made appropriations requests. And I am proud to cosponsor a bill introduced by my good friend and fellow Connecticut Representative John LARSON. The gentleman's bill will make huge strides in removing the money that so sullies our politics. The American people deserve no less, and I urge my colleagues to support these bills as they approach the floor of this House.

#### STUDY FINDS MEDIA ACT AS SHILL FOR OBAMA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, network news programs gave President Obama over three times more coverage than President Bush at the same time in their presidencies, according to a new study by George Mason and Chapman Universities. During President Obama's first 50 days in office, the three network evening news programs devoted over 1,000 stories lasting almost 28 hours to President Obama—about half of their entire newscasts. By contrast, President Bush received less

than 8 hours of network news coverage at the same point in his Presidency, less than one-third as much. There is no reason to think the first 100 days are any different.

Furthermore, 58 percent of all network news evaluations of President Obama and his policies were favorable while only 33 percent of evaluations of President Bush were favorable. These numbers aren't even close.

Americans need the media to report the news objectively; not act as a shill for a Democratic President.

#### PRICE OF INACTION ON BUDGET IS TOO HIGH

(Ms. CAPPS asked and was given permission to address the House for 1 minute.)

Ms. CAPPS. Madam Speaker, today we will have the opportunity to vote on the budget resolution, a budget which makes a sound investment in our Nation's future. I especially want to applaud the health care provisions in the resolution that will put us on track for improving access to quality health care for all Americans.

It is vital that we pass this bill with the reconciliation instructions intact so that we can achieve comprehensive health reform this year. The price of inaction is way too high. Fortunately, the steps we will begin taking through the budget resolution reconciliation instructions will yield very positive rewards.

This includes reform of the broken Medicare reimbursement system. The budget addresses problems with geographic variations in spending in health care. It invests in proven nurse home visitation programs for at-risk first-time mothers. And it improves the women, infant and children nutrition program.

I urge my colleagues to join me in voting “yes” on the budget resolution.

#### ARE WE SAFER?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, a lot of hype has occurred about the first hundred days of the new government. The question to be asked is, is America safer today than a hundred days ago?

Well, the government has determined to close Guantanamo Bay prison in spite of evidence these terrorists still want to harm us; the United States is considering canceling the development of the most advanced fighter in world history, the F-22; foreign computer hackers have gotten into the Defense Department system; North Korea launched its first ballistic missile while we did nothing but object; the United States now wants to scrap its missile defense system in Poland because the Russians are complaining, even though the system was designed to protect us from Iranian missiles, not the Russians.

The little fellow from Iran, Ahmadinejad, still boasts of nuclear destruction of Israel while mocking our President behind his back; Homeland Security leaked vital intelligence about national security; the defense budget is going to be cut so the new government can spend money on its own pet projects.

Hopefully, the new government will change this dangerous trend and remember the first duty of government is to protect the American people.

And that's just the way it is.

#### YOU GOTTA BE KIDDING

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, under Chairman SPRATT's leadership, the Congress is poised to pass a budget resolution. But unfortunately it's likely to be a party-line vote. The Republicans are asking us to trust them, they have a better way. The only sane response to that is, You gotta be kidding.

You had 8 years to manage this country's budget and you blew it. In fact, you took a \$5.6 trillion projected surplus and turned it into \$5.8 trillion of deficits. It's the worst fiscal management over a Presidential administration in American history. And now they want us to trust them?

In fact, we have stayed afloat by borrowing. And now our biggest debtor is the Communist Chinese dictatorship. They own more American debt than anyone else.

We have had more Americans unemployed, more Americans in poverty, and more Americans without health insurance. This budget needs to pass for the sake of the American people. We need to look back and realize who the American people can trust to be fiscally responsible.

#### HONORING THE BOY SCOUTS OF PENNSYLVANIA

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to recognize the Boy Scout program that has positively impacted the lives of thousands of young people in central Pennsylvania.

The Boy Scouts of America is one of the Nation's largest and most prominent values-based youth development organizations in the world. 2009 marks the 75th anniversary of the Seven Mountains Boy Scout Camp and the 80th anniversary of Juniata Valley Boy Scout Council.

Madam Speaker, I am proud of the scouting program that has made such a difference in the lives of young men and women for eight decades. For nearly a century, the BSA has helped build

the future leaders of this country by combining educational activities and lifelong values with fun. The Boy Scouts of America believes—and through nearly a century of experience, knows—that helping youth is the key to building a more conscientious, responsible, and productive society.

I congratulate the Juniata Valley Boy Scout Council, a National Quality Council, for 80 years of service. I would also like to congratulate the Seven Mountains Boy Scout Camp, a nationally recognized camping program, on its 75th anniversary.

#### DONATE LIFE MONTH

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, as the co-chair of the Congressional Organ and Tissue Donation Awareness Caucus, I am pleased to rise today in recognition of Donate Life Month, honoring all of the men and women who have made the decision to give the gift of life through organ donations.

In 2007, over 28,000 people received transplants. Still, over 100,000 people are currently, today, on the waiting list. The numbers grow each day. Despite amazing advances in medical technology and the tremendous work of the transplant community, sadly, many of the patients will not live long enough to receive a transplant.

Today, each of you have an opportunity to make a difference in the life of a daughter or mother, a father or a brother or a husband that is coping with a life-threatening illness. I encourage each of my colleagues to make a pledge today that has nothing to do with politics but everything to do with making a difference and that is to join me in supporting Donate Life Month by becoming an organ donor.

#### AN AMERICAN CLEAN ENERGY ECONOMY AND ENERGY INDEPENDENCE

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Madam Speaker, for decades, Washington has ignored the energy crisis imperiling our economy, our national security, and our planet. Now President Obama is committed to a comprehensive energy plan that will generate millions of clean energy jobs, break our dependence on foreign oil, and reduce the threat of deadly pollution.

With the depletion of the world's oil reserves and the growing disruption of our climate, the development of clean, renewable energy sources is the growth industry of the 21st century. President Obama says that our economic future demands we must lead the competition for clean energy. The President's energy policy will jump-start the creation of an American clean energy sec-

tor that will create millions of energy jobs.

His policy will break us from our dependence upon foreign oil and begin making America energy independent, and it will stop the pollution that we have going into our atmosphere. It is time to take a new tack on energy.

#### ENERGY INDEPENDENCE THROUGH RENEWABLE ENERGY

(Mr. TEAGUE asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE. Madam Speaker, when I was 17 years old, I went to work in the oil fields making \$1.50 an hour on a pulling unit to help support my family. Over the years, I have done just about everything there is to do in oil and gas around New Mexico. People know that I am an oilman, and I am proud of that.

In 2007 when I announced that I would be running for Congress, people were surprised to find an oilman like myself campaigning for energy independence through renewable energy. I told people in Hobbs, Roswell, Carlsbad and all across southern New Mexico that technologies like wind, solar and biofuels were not only good for the environment but would also create jobs in our communities and bolster our national security.

If we are going to keep up with an increasing demand for energy, we need to put Americans to work producing energy from the wind, the sun and such new and strange things as algae. Our energy future should not be defined by dependence on one source of energy, the vast majority of which we do not control.

Like I said, I am an oilman, always have been, always will be; but sometimes it takes an oilman to say it: America simply can't continue to be addicted to foreign sources of oil.

□ 1030

#### HEALTH INSURANCE COSTS (FAMILIES USA REPORT)

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute.)

Ms. CASTOR of Florida. Madam Speaker, I rise today to bring attention to the dramatic rise in the cost of health care for American families and the need to take action.

Yesterday, Families USA, a national health advocacy group, released a report that showed in my home State of Florida and all across the country, more and more families are dealing with huge increases in premiums and copays. The report explains that for many years now, rising health care costs have been devouring a larger and larger portion of family income. Health care costs were too high even before this economic crisis. And now the rising costs are a serious drag on economic recovery for middle class families and businesses, unless we act soon.

The Families USA report highlights how vital it is that we tackle health care reform now to help American families out of this middle class squeeze. Our health care reform efforts must be focused on making care more affordable for families and businesses.

To lower costs, we must focus on prevention, computerizing medical records, eliminating waste, and more cost-effective treatments.

Thankfully, the White House and many in Congress are committed to taking action this year.

#### CONFERENCE REPORT ON S. CON. RES. 13, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

The SPEAKER pro tempore (Mrs. TAUSCHER). Pursuant to section 2 of House Resolution 371, proceedings will now resume on the conference report to accompany the Senate concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. When proceedings were postponed on Tuesday, April 28, 2009, 20 minutes of debate remained on the conference report.

The gentleman from South Carolina (Mr. SPRATT) has 10 minutes remaining and the gentleman from Wisconsin (Mr. RYAN) has 10 minutes remaining.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I get a little bit of a sense of *deja vu* this morning. We've kind of been around this vote a while. But we got some new news this morning that's troubling news. The economy in the first quarter of this year has declined by 6.1 percent, 6.1 percent negative economic growth, the worst drop in our economy now since the mid 1970s. And if you look at the data, it shows you that the American consumer is more or less hanging in there. It's the investment from businesses that has dried up. It is business investment that's not occurring in this economy that's creating this great recession leading to all these job losses.

So as we look at this budget, I think a few new points ought to be brought to light since we have been around this budget quite a bit, which is, number one, looking at the economic data underneath this budget. It shows you that the debt and deficits that are currently projected in this budget are going to go much higher.

If you take a look at the economic assumptions that the Office of Management and Budget uses, they're a whole lot rosier than what's occurring. If you look at their inflation projections, which inflation just came in at 2.9 percent this quarter, they're a whole lot rosier, meaning put reality into the

budget and the deficits and debts go even higher.

We already see that the Congressional Budget Office is telling us, versus the President's budget numbers, were about \$2.1 trillion deeper into deficits. Now with this new data, even more red ink.

But worse yet, as I just described, the current bad economic numbers we got, business investment is down. That means businesses are not investing.

So what does this budget do? It raises taxes on investment. It raises taxes on businesses.

You've got to remember, Madam Speaker, that almost 70 percent of our jobs come from small businesses. More than half of those who pay those top tax rates are small businesses. It's those industrial companies that are in the business parks that ring the sides of our cities in Elkhorn and Janesville and Kenosha and Racine, Wisconsin. That's where most people get their jobs.

So what does this bill do? It raises taxes on those small businesses. It actually raises their taxes such to the point where they pay a higher tax rate than the largest corporations in America.

This budget also repeals tax deferral. Now, what does that mean? That means all of our big businesses that make things in America and sell them overseas, we're going to tax them twice and make our exports even less competitive. We're going to tax business investment. What does it do on capital gains and dividends, on the seed corn and seed capital that funds the innovations, that funds the entrepreneurial startups, that the small businesses go to to get their money to expand and invest and create jobs? It raises taxes on that as well.

So we are raising taxes on the very things that give us business investment and give us jobs. We are raising taxes on the very things that make up our pensions, our 401(k)s, and our college savings plans. And we are raising these taxes \$1.5 trillion a year in order to chase ever higher spending.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield myself an additional 30 seconds to say that we are raising taxes, the most we have ever done. I know the chairman will give us some convoluted explanation on how this is actually cutting taxes. Keeping taxes where they are on some tax policies is not cutting taxes; it's keeping taxes where they are. Making them go up means you're raising them to chase higher spending. The higher taxes in this bill never catch the higher spending; so we have a mountain of debt among the likes we have never seen before.

That is why we have such a difference of opinion with this budget. That is why we offered a principled alternative to this budget, which is controlling spending, keeping taxes low, and getting our debt under control.

Madam Speaker, I reserve the balance of my time.

Mr. SPRATT. Madam Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. I thank the chairman for yielding. I thank the ranking member for his views.

There is a disagreement, Madam Speaker. We have had a substantive disagreement for a long time. In fact, when I was elected to the Congress in 1981, we had a very substantive disagreement on what the economic policies would produce in terms of the supply-side economic theory. My view, which differs from Mr. RYAN's, is that it produced large deficits, and it produced large deficits in every year that it was practiced in the 29 years that I have been here. Only in the 8 years where President Clinton had the veto pen and said no, we're not going to go down that road, did we produce surpluses. Now, they were produced in large part because of an economy that rose more rapidly than any of us expected because of the chip, the information technology explosion, all of which was to the best interest of our country. We had a \$5.6 trillion surplus projected in 2001 by President Bush as a result. Unfortunately, we pursued a policy with which I disagreed and which I said would produce high deficits and would not help our economy. In fact, we produced high deficits, and our economy was in the worst shape that any President has inherited an economy since Franklin Roosevelt. President Obama was confronted with an economy that was in substantial decline.

Today the House has the rare opportunity to set America on a responsible course for the future. I congratulate Mr. SPRATT, I congratulate Mr. BOYD and Ms. DELAURO, members of the conference, for the courage and leadership they have displayed. Mr. SPRATT has been, as always, extraordinarily informed and extraordinarily involved with all of our Members in trying to get to this point. The course that we set ourselves on, in my view, is one of lasting prosperity, and I urge my colleagues to seize this opportunity.

Along with the American Recovery and Reinvestment Act, this budget is a key part of our response to this recession. We have the power to emerge from this recession a stronger Nation, one with a future of clean energy and energy independence and a workforce ready to compete with the best in the world and a reformed system of health care. This budget provides for those objectives. We also have a chance to vote for the principles of fiscal responsibility and put ourselves on a truly sustainable course.

There is a real difference in this House, in the Senate, and in this country about what fiscal responsibility

means. I believe it means we pay for what we buy rather than simply cutting our revenues, increasing our purchases, and hoping somehow something magical will happen to balance the budget. It has never happened in the 20 years that I have served with Republican Presidents pursuing that philosophy.

On energy, the budget funds incentives for cutting-edge research and clean energy jobs, as well as an energy-efficient, money-saving, critically necessary smart grid.

On education this budget builds upon the recovery plan with additional support for early childhood education, elementary and secondary school students, and efforts to help more Americans obtain a college degree. It expands access to education in the make-or-break years of early childhood—I think critical if we are going to be competitive in world markets. It increases Pell grants to help more students afford higher education and promotes job training and significant education reform.

On health care this budget responds to the skyrocketing costs that are straining families and businesses across this Nation. Family premiums have more than doubled since the year 2000, and over the past 5 years, our total health care spending has increased at more than twice the rate of inflation, consuming more and more of our economy and our budget each year. This budget fights that trend by making a significant down-payment on the reform, taking steps to lower health care costs, improve quality, and expand access. That is what America voted in 2008. That is the responsibility that we are carrying out.

The budget also allows us to use reconciliation to provide for an up-or-down vote on reforming health care, not as an option or first resort but as a fallback if partisanship blocks progress.

Essentially we're saying the majority will make policy. It didn't take 60 percent to elect the President. It didn't take 60 percent to elect any of us to this body. The premise of our Founding Fathers was if a majority of Americans believe we ought to move in a direction, that's the direction we ought to move. That has proved a very successful policy for over two centuries. It is a policy that we are providing for here. It is a policy that was provided for by the Republicans when they were in charge time after time after time.

As the bipartisan Concord Coalition points out: "The budget reconciliation process was used in 1997, 1999, 2000, 2001, 2003, and 2005 to reduce taxes," as opposed to deficit reduction, which, of course, reconciliation is designed to address.

Moreover, a case can be made that health care reform that includes spending restraints and squeezes inefficiencies out of the system is integral to reining in the rapid growth of health care costs, which is a major, a major driver of deficits.

I want to stress that last point. It is essential that health care reform includes difficult choices to cut costs, which will eventually result in lower deficits. Why? Because of the \$2.4 trillion that we spend on health care, half of that comes from the government, either Federal or State.

All of these investments are vital to our future economic health and competitiveness. As President Obama recently pointed out: "A cash-strapped family may cut back on all kinds of luxuries but will insist on spending money to get their children through college."

Our country is in the same position. These tough times are no excuse to cut back on investments that will pay off many times over down the road.

□ 1045

Finally, this budget puts America back on the path of fiscal responsibility. It's no secret that past budgets have made easy choices and kicked the difficult ones down the road.

Let me say, as I have said so many times before, it takes no courage whatsoever to cut taxes. None. Zero. What takes courage, political courage, if we want to buy things, is to pay for them. That's what takes courage. You can make one of two decisions: Don't buy and keep revenue stable, or buy and pay for so that your children aren't paying for it. Those are the decisions that I am prepared to make and, very frankly, have made over the last 40 years that I have been in office.

This House needs to make those choices. That's why ALLEN BOYD, JOHN SPRATT and others have pursued so vigorously statutory PAYGO requirements. That's why I am in such support of them.

In 1990, statutory PAYGO led to that surplus that I referred to. Jettisoning that in the early part of this decade led to the deficits that we have experienced.

And why did you jettison PAYGO? Because you were unprepared to pay for the revenue losses that you voted for.

But by passing this budget we will be leaving a different legacy, one that makes clear that our government must pay for what it buys. This budget cuts the deficit from 10.5 percent of GDP in 2009 to 3 percent of GDP in 2013—in other words, by nearly two-thirds. Those savings come from spending restraint and oversight that save taxpayer money. We must do that. We cannot pursue the policies that we have been pursuing. They are not sustainable.

Most importantly, the House is strongly committed to statutory PAYGO. President Obama asked Congress, and again I quote, to develop a PAYGO law that would help return the Nation to a path of fiscal responsibility, and that is what we intend to do.

That is what this budget does. The House will not consider any bills on

middle-income tax cuts, the estate tax, AMT relief, or the sustainable growth rate in the Medicare program unless they include statutory PAYGO, they are fully offset, or statutory PAYGO has already been enacted. Everybody wants to deal with those four issues. Let us see if everybody is prepared in this generation to pay for them and not pass those costs on to the next generation.

I urge my colleagues to approve this conference report, pass this budget and show our constituents that the priorities they voted for in 2008 are ours as well.

I again congratulate the chairman, the members of the conference committee and the members of the Budget Committee for their leadership and for their courage.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 2 minutes to our distinguished minority whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman. Madam Speaker, I sit here and I listen to the majority leader, and it strikes me that in my four terms having served in this body, I do not think that there has ever been a time when there are two more divergent views of the direction in which we should take this country.

The news today demonstrated that the last quarter we saw a 6.5 percent shrinkage in the GDP in this country, two consecutive quarters of GDP shrinkage, more than any in 60 years. We've got serious, serious economic challenges facing us in America, Madam Speaker, and our priority should be to get this economy back on track, to get people back to work in America.

Right now, 650,000 people lose their jobs every month. If you do the math, that is about 15 people a minute lose their jobs. That's real. When you lose your job, you don't have a vision of how you can even get through the month or put food on the table.

That's where, Madam Speaker, I have difficulty with the budget being brought forward. Because if our primary responsibility here is to create an environment where the job creators can go back to work and put people back to work, this budget falls woefully short.

How can you say that we are helping the small businesses of this country, the true economic engines of America, when we are taxing them and making it more difficult for them to maintain the jobs they have got and increase their payrolls?

The other side may say, oh, there is only 3 percent of small business people that actually are impacted by higher taxes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman 1 additional minute.

Mr. CANTOR. Well, 50 percent of the people that get a tax hike here are small business people. How can we expect our economy to rebound?

Madam Speaker, this budget creates so much uncertainty on the part of investors, on the part of families, I don't see how we are going to work our way out of these economic doldrums.

To say that the energy policy is going to create green jobs, that's great in theory. But I can tell you the cap-and-trade plan that's working its way through this House right now is going to result in a national energy tax imposing up to \$3,000 per household every year. How can that help the working families of this country right now?

Madam Speaker, we can do better. We can work together to achieve meaningful savings for the taxpayers. We can get off of this spending spree and refuse to put \$70,000 per added debt on every man, woman and child in this country.

Madam Speaker, we can do better. The Republicans stand ready to work with you in making sure that's the case.

Mr. SPRATT. Madam Speaker, I yield 2 minutes to the gentleman from Florida (Mr. BOYD).

(Mr. BOYD asked and was given permission to revise and extend his remarks.)

Mr. BOYD. Thank you, Chairman SPRATT. I appreciate your work on getting us to this point.

Ladies and gentlemen, you hear from the other side of this aisle criticism of this budget. I assume that means they believe we should go back to the policies that were followed in the last 8 years, and I want to review where those policies got us under the previous administration and the previous Republican-controlled Congress.

Unemployment, when George W. Bush came into office, was less than half of what it is today at 8.5 percent. Job growth in the previous 8 years under President Clinton had been approximately 250,000 new jobs created per month.

This month, after 8 years of the policies that are espoused by the ranking member, Mr. RYAN, and the distinguished minority whip, Mr. CANTOR, we are shrinking, losing 650,000 jobs on a monthly basis now.

GDP growth. Under President Clinton, that average growth was 3.7 percent annual rate. Now our economy is shrinking at the rate of 6.1 percent on a monthly basis. Median income, median wages are down.

Deficits. They speak for themselves. When President Bush took over, there was a surplus as far as the eye could see. Under the policies of the previous administration, now we have structural deficits as far as the eye can see. That is what President Obama has inherited.

Health coverage. During the 8 years of the Bush administration, over 5 million Americans lost their health coverage. That is at the very core of our economic problems, the health coverage problems in this Nation. Many would call it the misery index.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SPRATT. I yield the gentleman an additional 30 seconds.

Mr. BOYD. President Reagan talked about the misery index. I think if you look at all those economic indicators, there is not one economic indicator that shows that we are better off than we were 8 years ago.

As a matter of fact, every economic indicator indicates that we are much worse off.

Ladies and gentlemen, it's time for a new direction. We must restore fiscal responsibility into this budgeting process. That's one of the things that Chairman SPRATT, Speaker PELOSI, and Majority Leader HOYER have given us through this budget process, and I am very proud to support this budget conference report and ask you to do the same.

Mr. RYAN of Wisconsin. Madam Speaker, I reserve the balance of my time.

Mr. SPRATT. I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank my friend, the chairman, for yielding and congratulate him and thank him for his tremendous leadership in this effort.

The minority whip said that the House faces a choice between two very distinctive strategies. He is absolutely right. The strategy that the minority would like to pursue is a strategy that has been tried and has failed. It has led us to the peril that we face today.

The strategy that we would initiate is a return to principles that have succeeded. Following their strategy, for every one job their strategy has created, we have created 108. For every \$1 of economic growth their strategy has created, ours has created \$1.69.

The middle-class family that began this decade saw its purchasing power decrease by \$500 a year by the time the last President left office. During the 1990s, that same family saw its purchasing power increase by \$5,000.

The choice before the country is which strategy works. Ours does. Vote "yes."

Mr. SPRATT. Madam Speaker, how much time remains?

The SPEAKER pro tempore. There are 5½ minutes for the gentleman from South Carolina and 3½ minutes for the gentleman from Wisconsin.

Mr. SPRATT. I yield myself 3½ minutes.

Madam Speaker, we are here this morning to pick up where we left off yesterday, but really we are here to pick up the tab left over by the Bush administration.

The Bush administration has left us with an economy in recession, a Nation \$5 trillion deeper in debt, and a budget in deficit, deep deficit, \$1.845 trillion according to the CBO.

This is the hand dealt us. After 8 years of the Bush administration, we have to play the ball where it lies.

After listening to the debate on the other side of the aisle, I think it would be helpful to start by pointing out what this budget is not. This is not a budget that increases spending. Total spending in 2009 will be \$3.9 trillion. If we pass this resolution, total spending in 2010 will be \$3.6 trillion. That's \$300 billion less, not more. And all the initiatives we specify will be paid for.

Despite what you have heard on the floor, this is not a budget resolution that increases taxes. It lowers taxes by \$764 billion over 5 years and by \$1.7 trillion over 10 years. It renews the middle-income tax cuts. It extends the estate tax at the 2009 level. This is not about tax increases. It's about tax decreases.

This is not a budget resolution that increases the deficit. Far from it. By 2014, this budget resolution will reduce the deficit from \$1.845 trillion this year to \$525 billion next year. This is a deficit reduction budget.

Let me also answer the extravagant claims made on the floor about how much debt accumulation will occur under this bill. Look at table 5 in your blue book here and look at the bottom line in debt net of financial assets. In the budget year, the first budget year, the debt net of financial assets is \$8.072 trillion. In 2014 it's \$10.642 trillion.

Now I am not here to tout a \$2.5 trillion addition to our national debt, although it pales in comparison to what happened under Mr. Bush. But I am simply saying this is better by far than anything you have heard characterized on the House floor.

Now the budget is about more than numbers. It's about values, visions and investments. And what we have to tout and talk about in offering this budget resolution to the House is what it will do for health care in our country, and particularly for the 46 million people who do not have coverage; what it will do for the educational system of this country if we can tell every child in America, yes, you can, you can get a higher education, Pell Grants will help you do so; what it will do to help build energy independence and reduce the carbon emissions in this country. We can have energy innovation.

All of this is provided for in this bill. And I would emphasize all of it is provided for in deficit-neutral reserve funds which do not add to the bottom line the debt of the United States. This is what we are presenting here.

Now the deficit before us is a structural deficit. It's part cyclical, but mostly structural. It's built into the budget that we have to deal with. After 8 years of the Bush administration, there is a massive mismatch between revenues and spending in the budget that creates the huge deficits we have got today.

□ 1100

We cannot turn this big battleship around overnight, but we can put it on the right path towards fiscal responsibility again. And that is exactly what

this budget resolution does. That is why everybody in the House who believes in budget reduction, believes in fiscal responsibility, should vote for this budget resolution.

Mr. RYAN of Wisconsin. Madam Speaker, I yield 1½ minutes to our distinguished House Conference chairman, the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, I rise in opposition to the budget conference report because it borrows too much, spends too much and taxes too much, and the American people know it.

At a time when every American family is sitting down around kitchen tables making sacrifices and making the hard choices necessary to get through these difficult days, here in Washington, D.C., we see a Democratic majority and a new administration bring forward a budget that will double the national debt in 5 years and triple the national debt in 10, a \$1.2 trillion deficit in 2010 and deficits of nearly \$1 trillion a year every year for the next 10 years.

The distinguished majority leader spoke of "political courage" on the floor just moments ago, but let me say there are no profiles in courage in this budget. The truth is, the Democratic majority in this administration has brought to the floor the most fiscally irresponsible budget in American history.

Congress should be doing what every American family is doing—cutting expenses and finding within themselves the faith, and, yes, the courage to get through these times with sacrifice. Instead, here in Washington, D.C., it is more government, more spending, more debt and more taxes.

In just 100 days, a new administration and this Democratic majority have decided to continue and to greatly expand the mistakes of the past. But we can do better, and I believe, for the sake of our children and our grandchildren, we must do better.

Let's reject this conference report and start over with a budget that will serve ourselves and our posterity with fiscal responsibility.

Mr. SPRATT. Madam Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, the gentleman from Indiana just said that we don't want to repeat the mistakes of the past. He is right. So this budget does not repeat those mistakes. It does not give massive tax reductions to the wealthiest people in the country and hope they do the right thing with the money. It does not ignore the health care, education and energy needs of our country for the long term and weaken our global position. Finally, it does not further the

path of deregulation of our markets, our financial system, which has led to the cataclysmic meltdown of the U.S. economy in recent weeks and months.

No, this does not repeat the mistakes of the past. It is a new direction. It is a new opportunity. It is a new strategy that we believe will speak to the needs of the unemployed American, the American without health insurance, all of us who pay rising utility bills, and each of us who wants the finest quality education for our children.

This is a change. It is what the people asked for in November, and, with the help of the majority, it is what we will deliver today.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself 1 minute.

Madam Speaker, this is a big moment. This is a big moment in our history that the historians will look back to as a key pivot in American history and the American experiment and the American project.

What this budget does not do is it does not practice Clinton economics. It does not practice the kind of economics we have had in this country that gave us the longest peacetime expansion, the kind of economics that gave us unprecedented prosperity. Bill Clinton cut tax rates and controlled spending in a bipartisan budget agreement in 1997 which paved the way for the surpluses that later occurred, which were projected, that went away. It was bipartisan.

This is different. This is new. This budget takes a look at those mistakes made in the past that we are hearing all these criticisms of, too much spending, too much debt, and what does it do? It adds to it. Instead of controlling spending, as the critics have said we should have done, this has spending go out of control. Instead of controlling the debt, as the critics say should have occurred, debt goes out of control.

I urge a rejection of this budget. Let's start over again and save this country and move us down the path of fiscal discipline, not fiscal recklessness.

Madam Speaker, at this time I yield our final minute to our distinguished minority leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Madam Speaker, let me thank my colleague from Wisconsin for yielding, and thank him and all of our Republican members of the Budget Committee for their outstanding work.

Let me also congratulate the chairman. I know how difficult it is to bring a budget to the floor of the House. It is no easy task. Even though I disagree with the product, I know the chairman has worked very diligently on this project, and I congratulate him.

Our economy is in a difficult moment. We have got some of the highest unemployment we have seen in our country in 25 years. We have got economic dislocations underway. Banks aren't providing the credit that they once provided. As a result, there are a lot of people in America who are out of

work, others worried about losing their job, and they are having to make difficult decisions on behalf of their families.

I think the American people look to their Congress and wonder, what difficult decisions are being made in Washington, D.C.? What is it that Washington is doing that is going to make it better for my kids and their kids?

What we see before us is a budget resolution that is nothing short of the most audacious move to a big socialist government in Washington, D.C., than anything I could have ever dreamed about before I ran for Congress, or, for that matter, any time over the last 18 years that I have been here.

Budgets are supposed to be about tough decisions. There are no tough decisions in this budget, because when you look at the document, what it does is real simple: It spends an awful lot of money, it raises a lot of taxes, and it puts all of this debt on the backs of our kids and our grandkids.

This is not the American way. The American way has been about a more limited government, a more limited role here in Washington, so we can allow American families and small businesses around our country to keep more of what they earn so they can reinvest it in themselves, reinvest it in their communities, and help our economy grow, providing opportunities for all Americans.

We live in the greatest country in the world, a country where you can grow up and be anything you want to be and do anything that you want to do. There is no country on the face of the Earth that is as good as America. Why? Because we allow our citizens the opportunity to be all that they can be. But that won't happen when government gets too big and when government takes too much out of the pockets of our citizens and government takes more control over our society.

Right here is the most expensive credit card in the history of the world. It is a voting card for a Member of Congress, and this voting card should be used responsibly on behalf of the American people. So far this year, a majority in this House have used this credit card irresponsibly. First, an \$800 billion stimulus bill that was supposed to be about jobs, jobs, and jobs, and turned into nothing more than an \$800 billion bill about spending, spending, and more spending and growing the size of government.

Then we had an omnibus appropriations bill, \$30 billion over budget, 9,000 earmarks. How responsible was that to pass?

Now we have an opportunity with this budget, a budget that spends too much, taxes too much and puts too much debt on the backs of our kids and grandkids. The American people expect us to use this credit card, this credit card that they gave us, they expect us to use this responsibly, and the responsible decision on this bill and on this budget is to vote "no."

Mr. SPRATT. Madam Speaker, I yield my remaining time to the distinguished Speaker of this House, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding.

It is indeed an honor to call Mr. SPRATT "colleague." We say that from time to time about our Members, but never is it truer than in the case of Chairman JOHN SPRATT of South Carolina. He is a gentleman who has brought the values of our country, the principles of our great democracy, to bear on writing a budget.

Because of his leadership, today, for the first time in many, many years, we have a President's budget on the floor that is a statement of our national values. What is important to us as a Nation is reflected in this budget. It is a very happy day for our country, Mr. SPRATT, because of your leadership.

I thank all of the members of the Budget Committee for their hard work, expressing their views, coming forth with a budget that is a blueprint for the future. I also want to commend our conferees, Congresswoman ROSA DELAURO and Congressman BOYD, for assisting you in the conference process.

Starting at the beginning of this year, this Congress passed a stimulus package to take our country in a new direction. Since that time, we have been on a sprint to create jobs, to lower the deficit, to cut taxes for the American people. This blueprint, this budget, is a bookend to that stimulus package. It is the foundation for how we go forward into the future.

In the first 100 days, it enables us to make the claim with these two pieces of legislation and bills that have come in between, for example, the SCHIP, children's health insurance, 11 million children in America; the public lands bill, the biggest conservation bill in many, many years; and other initiatives contained in our agenda in the past few months, enables us to say that more has been done in this period of time for health care than in decades, since Medicare was passed in this Congress and signed into law. More has been done on education than in generations, since the GI Bill was passed during World War II, and even more than that. And in terms of energy, there is absolutely no contest. It is far out there in terms of breaking ground and reducing our dependence on foreign oil, creating new green jobs for a green future for America's economy, for honoring our moral responsibility to protect God's beautiful creation, and to keeping our environment clean and healthy for our children. These three, education, health care and energy, are what the business community and other sectors of our community tell us are the investments that we must make in order to turn our economy around.

So here we are today with a budget before us that creates jobs, reduces taxes, and takes us over a path of lowering the deficit. It does so in the most

transparent way of any budget in our country's history, and certainly in this Congress' history. As it does so, as I say, it focuses on those three pillars of the Obama agenda: education, health care and energy.

In terms of energy, in the first 100 days an article in *Fortune* magazine of April 29 states that this is "the greenest budget ever. Obama's \$3.55 trillion budget proposal is a one-two punch for cleantech. It boosts funding for renewables while slashing tax breaks for fossil fuels. Obama's wish list," now, this is another organization called Climate Progress, "Climate Progress called the Obama wish list 'the first sustainable budget in U.S. history.' It includes \$15 billion per year for cleantech over a decade," and it goes on.

This is in addition to the initiative that was passed earlier on in the recovery package known as the stimulus package. It is called "greener stimulus." "Signed in February, the stimulus package is chock-full of cleantech goodies with \$43 billion for grants for clean power, extensions of tax credits for solar, wind, geothermal and energy efficiency programs, smart grid funding, weatherization programs and a new tax credit for cleantech hardware manufacturing."

I mention that because we must see this budget in the context of the issues which we are trying to advance. Of themselves, they are worthy. They have their justification, as I mentioned in the case of energy. But they are also investments that will grow our economy and create jobs.

When it comes to health care, another pillar of the Obama budget, as the President says, health care reform is entitlement reform. As we go forward with universal, quality, accessible health care for all Americans, which this budget will lead us to, we will be reducing the cost of health care for the American people, and in lowering those costs, we will lower the cost to our budget and the cost to the deficit of Medicare and Medicaid.

This is not just about the personal health of the American people. That would be justification enough, the personal well-being of our country. And it is not only about health care, it is about the health of the American people. It is about prevention. It is about diet, not diabetes.

□ 1115

So we are moving in a path that lowers costs, makes America healthier, and in doing so, as I say, not only helps individuals with their health, personal well-being, but we are helping businesses to compete. Health care costs are a competitiveness issue, and if we're going to compete domestically and internationally, we must lower health care costs for businesses. It's about costs to our economy, of all of this money spent on health care and not having the commensurate health of America to go with it. And, again, it's

about lowering the cost, reducing entitlement. Health care reform is entitlement reform.

In terms of education, this budget calls for innovative approaches from early childhood to tax credits for costs of college, as well as increasing the funding for Pell Grants and making college more affordable. So, from earliest childhood to higher education, and then beyond, this budget is a path not only for, again, the self-fulfillment of the American people, but the innovation of America. Innovation begins in the classroom.

So all three of these are measures which, again, are justified and necessary in their own right, but will reduce the deficit, will create jobs, and will do so in a new way, taking us in a new direction.

So, having said that, this is a budget about the future. I was very tempted, when I saw the leader with his voting card, to bring a picture of my granddaughter, my new granddaughter, just a little over a month old, to the floor. Oh, we do have it here. I won't resist the temptation, for two reasons. First of all, I can't take my eyes off of her, and second of all, this is what our commitment is about. It's our commitment to the future, to these children.

As we go forward, we must take the country in a new direction, and in doing so, reduce the deficit. We are not here to heap mountains of debt on our children and our grandchildren. That is what was done in the last 8 years in the Bush administration. This budget calls a halt to that and says no. It says no more debt.

We're going in the opposite direction. We're reducing the deficit as we create good-paying jobs in our economy, as we cut taxes for the middle class in our country.

This is a magnificent blueprint for the future. And again, I salute Chairman SPRATT for his extraordinary leadership in bringing it to the floor today and urge all of my colleagues to vote "yes" for a new direction for our country.

Mr. OBERSTAR. Madam Speaker, the Conference Report on the Budget Resolution (S. Con. Res. 13) provides a solid foundation for the surface transportation authorization act. I thank Chairman SPRATT and the Committee on the Budget for their leadership and vigorous support for transportation and infrastructure programs in the Conference on the Budget Resolution.

If the funding levels included in the Budget Resolution Conference Report are applied over the six-year period from fiscal years 2010 to 2015, the Resolution assumes a base allocation of \$324 billion for highway, highway safety, and transit programs, including \$312 billion of contract authority. Importantly, this allocation restores \$82 billion over the six-year period of highway contract authority that had been cut from the Congressional Budget Office baseline, which assumed fiscal year 2009 rescissions would recur in all future years. The Senate had adopted this lower, unadjusted baseline and I am very encouraged that the Conference adopted the House provision pro-

viding a baseline of \$324 billion for the surface transportation authorization bill.

In addition, the Resolution establishes a Reserve Fund to allow this base allocation of \$324 billion to be adjusted upward as necessary to accommodate higher funding levels to the extent they can be supported by the Highway Trust Fund.

The Resolution also assumes the Airport Improvement Program is funded at \$4.0 billion in FY 2010, \$4.1 billion in FY 2011, and \$4.2 billion in FY 2012, consistent with H.R. 915, the FAA Reauthorization Act of 2009, as ordered reported by the Committee on Transportation and Infrastructure on March 5, 2009. This is an increase of \$840 million over the baseline funding level for this program over the three-year period from FY 2010–2012.

Finally, the Resolution rejects the Office of Management and Budget's proposal to change how programs funded by contract authority are treated for budget scoring purposes. This proposal, had it been adopted, would have converted the mandatory contract authority that currently funds our highway, highway safety, transit and airport grant programs to a simple authorization of appropriations for budget scoring purposes. I am pleased that the Budget Resolution continues to recognize the unique nature of trust-funded programs by rejecting this ill-advised proposal.

I urge my colleagues to join me in supporting the Conference Report on the Budget Resolution.

Mr. BUYER. Madam Speaker, I rise in strong opposition to the conference report on S. Con. Res. 13 the democrat budget for Fiscal Year 2010. This budget spends too much, borrows too much, and taxes too much.

The overall democrat budget is not good for Americans, including veterans. The democrat budget contains the largest tax hike in American History, a \$1.5 trillion tax hike, including a tax hike on veterans and their families, and veterans who own small businesses.

While I am supportive of the increase that the President's budget proposes for veterans, the overall budget request is really nothing more than more of the same old Washington shell game. Instead of proposing an open and transparent budget, as President Obama and the Democrats had promised, this budget contains many of the same old tax hikes and gimmicks that hide the truth from the American people about our real fiscal situation and the impact this budget will have on our current economy and our children's and grandchildren's future.

This budget also allows the use of the reconciliation process to force government-run health care down the throats of the American people without even considering how such a proposal could adversely affect the VA healthcare system. We don't need a government run health care system that takes life changing medical decisions out of the hands of doctors and patients and puts them in the hands of government bureaucrats, while dulling the innovative and radical research that has increased the quality of healthcare in America.

Madam Speaker our nation's veterans deserve a budget that funds their priorities without causing harm to these same veterans with radical new taxes and a ballooning deficit, unfortunately this budget does not do this. I urge my colleagues to oppose the conference report on the democrat proposed budget.

Mr. DINGELL. Madam Speaker, I rise today in support of the fiscal year 2010 budget resolution. I know that today's proposal come as a result of much negotiation and discussion, and makes a number of difficult decisions about our financial future.

To be frank, 2009 has opened with a number of different challenges Congress and the Administration must address. We continue to face turmoil in our financial markets, our domestic auto industry and small businesses are struggling to stay afloat, and we have witnessed a dramatic loss of jobs. Like Roosevelt before him, Obama is facing an economic downturn of enormous magnitude. Guiding our country and our economy through this will require our government to make difficult and innovative changes. This budget resolution lays out the guideline for how these changes will be made.

As we begin to address health care reform, this budget resolution will provide the down payment to implement new changes to the way our health system cares for the sick. For the nearly 46 million Americans who are without health insurance, this budget resolution is a sign of our government's commitment to achieve reform that will ensure all Americans, regardless of their bank account, have access to quality and affordable health care. It also will ensure that our health system makes needed changes to reduce high administrative costs, and cut out fraud and abuse. Make no mistake; reforming our health care system is vital to the Nation's economic recovery efforts.

This legislation also increases investments in renewable energy and energy efficiency by nearly 10 percent for 2010. These investments will allow our country to provide loans for renewable power generation, increase the energy efficiency of our federal buildings, modernize the electricity grid to make it more efficient and reliable, among other things. Such investments will help to encourage the creation of new "green" jobs for workers who have been displaced, and more importantly, will help ensure that our energy needs are supplied by American innovation.

I am also pleased to support the conference agreement's provisions for our veterans. The agreement honors our veterans by ensuring they have the proper medical care. Among other things, the bill provides \$53.4 billion to the Department of Veterans' Affairs—an 11.7 percent increase for veterans' health care and other services, allows Congress to provide advance funding to the VA health care system, and expands enrollment eligibility for Priority 8 veterans.

Most importantly, this budget makes a commitment to our children and their grandchildren by investing in a quality education that will prepare them for their future careers. We know now that in order to compete with our neighbors across the way our children need a high quality education and access to either higher education or

training to prepare them to compete in a global economy. This budget will continue to raise the maximum Pell grant in order to ensure that its buying power increases and more low-income students will have access to the aid they need. In addition, the budget expands on the investments made in primary education and early childhood education ensuring that our schools are increasing student achievement and investing in high-quality facilities.

There is no doubt that these investments are costly, however, unlike the previous Administration, the Obama Administration and Congress have made a commitment to cut the federal deficit by nearly two-thirds in 2013. As a parting gift, President Bush provided the Obama Administration a \$1 trillion deficit. This is not a deficit that came about overnight; rather it is the result of poor fiscal planning from an Administration that inherited a \$5.6 trillion surplus. Madam Speaker, I rise in support of today's budget resolution not because I believe it will bring our economy out of recession overnight, but because I believe it will go a long way towards helping American families and workers who need it. For many of those in the 15th District and across the country, this economy has left their bank accounts battered and their 401(k)s depleted. Many of these folks have nowhere else to turn. A vote for this budget is a vote for those in need.

Mr. VAN HOLLEN. Madam Speaker, this budget agreement marks an important milestone on our road to economic recovery. It makes priority, forward-looking investments in the vital areas of education, health care and clean energy while providing \$1.7 trillion in tax relief for middle class families. It's also fiscally responsible, slashing our federal budget deficit by two thirds by 2013.

Madam Speaker, we didn't dig ourselves this ditch overnight and it's going to take some time to climb out of it. But with President Obama's leadership, we are now well on our way to creating the next era of genuine, broadly shared American prosperity.

It starts with honest accounting. Rather than hiding the true cost of our military engagements in Iraq and Afghanistan or our domestic response to natural disasters off budget, this conference report builds them right into the agreement. Additionally, this budget reaffirms the House's continued commitment to fiscal discipline by requiring statutory PAYGO as a condition for other policy adjustments in order to enforce a realistic baseline.

To build a rock solid foundation for economic growth, this agreement invests \$100 billion in education—expanding early childhood development programs, improving K–12 and special education and increasing access to college. It creates a deficit-neutral reserve fund to finally provide high quality, affordable health care for every American. It increases federal funding for clean energy by 10%. And it provides middle class tax relief for millions of Americans.

Finally, this budget takes the \$1 trillion deficit President Obama inherited and cuts it by two thirds over the next four years.

Madam Speaker, this is an honest, properly prioritized and fiscally responsible agreement. I urge my colleagues' support.

Mr. LANGEVIN. Madam Speaker, I rise in strong support of S. Con. Res. 13, the Fiscal Year 2010 Budget Conference Report.

In order to rebuild our economy and achieve long-term fiscal sustainability, we must make strategic investments into our nation's health care, education, and energy programs, while simultaneously providing meaningful tax relief to families and businesses struggling to regain their economic footing. Each week, I hear from my constituents in Rhode Island about their challenges in today's economy, such as trying to save for their retirement, send their children to college, or protect their home from foreclosure. As a member of the Budget Committee, I believe this conference report reflects the crucial priorities that families face every day while adhering to an honest accounting of our fiscal challenges.

S. Con. Res. 13 builds on the significant funding and tax incentives incorporated into the American Recovery and Reinvestment Act by increasing investments and job creation in clean energy technologies and overall energy efficiency. It supports health care reform that will lower costs, improve quality, and pave the way for coverage to help all Americans lacking proper health insurance. This budget honors the service of our nation's veterans with an increase of \$5.6 billion for veterans' health care and other crucial support services. Finally, it recognizes the profound importance of education by increasing funding for programs like Title I, special education and Pell Grants for college.

Just as important as our investment in job creation and economic recovery is the commitment to tax equity and fiscal responsibility. This budget provides \$1.7 trillion in tax cuts for middle-income families, permanently extending the 2001 and 2003 income tax cuts for the vast majority of Americans. It also reduces the deficit by nearly two-thirds in four years, placing our country on the fiscally sustainable path necessary to regain our economic strength.

It is time for policymakers at all levels and across the ideological spectrum to join together and offer a new vision and new solutions to rebuild our economy. I would like to thank Chairman SPRATT for his leadership and dedication to working with Congress to ensure that this budget provides the framework necessary so that we may improve the health of our nation, reduce expenditures over the long term and ultimately regain the economic prosperity of our great nation.

I ask my colleagues to support this resolution and urge its final passage.

Mr. POSEY. Madam Speaker, I'm disappointed with the budget conference report before the House today. It's a \$3.555 trillion budget and leaves a \$1.233 trillion deficit for the year 2010. This budget increases taxes by \$1.5 trillion over the next 10 years and the Majority admits that the budget deficits never fall below \$523 billion. This budget borrows from Americans of tomorrow to pay for the wants of this current generation. Over 10 years, the budget more than doubles the national debt.

I hope the economy recovers for all Americans. But sadly, this budget plan takes us down a different path that will harm our long-term economy and will likely create sluggish economic growth. This budget is not the right prescription for what ails this economy. Our children and grandchildren deserve better.

Congress needs to focus on creating the right kind of environment for job-creation, ensuring that businesses small, medium and large can grow and prosper. That means providing the right kinds of incentives for Americans to start a business, or for a business to grow and add jobs, or to provide benefits like health insurance. Sadly, this bill includes a budget process (known as reconciliation) to leave the door open for a plan to raise taxes on millions of small businesses and saddle them with billions of dollars in burdensome and costly “cap and trade” global warming taxes. American workers should be forewarned; the “cap and trade” tax will cost Americans millions of jobs.

So I ask, under this budget ‘What’s the incentive to do business here in America?’ The U.S. has the second highest corporate income tax in the world which encourages employers to close up in America or at least do their expansions overseas rather than here at home. Cap and trade will add a further burden to businesses operating in the U.S.

And while this budget hires new bureaucrats in Washington, it allows tens of thousands of highly skilled technicians and engineers at NASA to be laid-off with the end of the space shuttle. Their jobs will of course be outsourced to Russia because the budget fails to bring the next generation space craft online for quite some time. This is a travesty when you think about the millions of high tech American jobs that have been created as a result of our investment in space—everything from cell phones, laptops and GPS to wireless technology and even Velcro. While the Budget gives lip service to additional funding for NASA and the Shuttle, the actual language in the budget does not provide actual dollars, and does nothing to close the human space flight gap.

For two centuries, Americans have worked hard so their children could have better lives and greater opportunity. It seems to me what some want to do is reverse that order by having our children and grandchildren work hard so we don’t have to make the hard choices now. This amounts to generational theft and it is wrong, plain and simple.

You know, while families and small businesses are making sacrifices when it comes to their own budget, Washington continues to spend trillions in taxpayer dollars—money it doesn’t even have—on bailouts and expansion of government programs. This has got to stop and the government has to learn to live within its own means just like everyone else.

Madam Speaker, I rise in strong opposition to this budget conference report and urge my colleagues to vote against this plan that will saddle the next generation with an unbearable debt and kill millions of jobs here in America.

Mr. BACA. Madam Speaker, I urge my colleagues to support S. Con. Res. 13, the FY2010 Congressional Budget Resolution Conference Report.

Throughout our nation, Americans are suffering due to economic hardships caused by this recession.

In my district—unemployment is at almost 13 percent.

Parents are coming home from their last day of work, afraid and worried about how they will provide for their families.

They are losing their health insurance and their hope in the American dream is faltering.

If you vote for this budget resolution, you are voting for a solution. You are voting to help American families.

The budget conference agreement makes strategic investments in education, health care reform, and energy independence that are necessary to restore our crumbling economy—and put the country in a position to remain globally competitive.

This budget is instrumental in stabilizing our economy. It provides the resources necessary to help restore the standard of living for many American families.

It also puts our nation back on the path of fiscal responsibility.

The budget improves fiscal discipline by requiring statutory PAYGO as a condition for making current policy adjustments to the baseline for tax cuts and the Medicare physician payment system.

I urge my colleagues to approve this conference report, and pass this responsible budget.

Ms. LEE of California. Madam Speaker, I rise in strong support of the Democratic budget. This budget makes the vital investments that America needs to stabilize the economy and lay the groundwork for a new environmentally sustainable and energy independent green economy.

Let me thank the Chairman for his hard work on a budget that makes many hard choices and I thank him for his consideration of the budget priorities of the Congressional Black Caucus which augments and strengthens the President’s budget.

The Democratic budget contains many of the shared priorities with the CBC and makes targeted investments in strengthening education, healthcare, clean energy, transportation, and strengthens foreign aid during a critical downturn in the global economy.

We must pass a budget that will continue the anti-poverty investments that we made in the American Recovery and Reinvestment Act.

It is critical during this economic crisis, which we inherited from the Bush Administration, that we pass a budget that will lift up the millions of Americans who have fallen into poverty.

Our budget must continue our economic recovery and return our nation to the fiscal responsibility that we last saw with the budget surpluses under President Clinton.

I urge my colleagues to vote yes on the Democratic budget.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report will be followed by 5-minute votes on the motion to suspend the rules on H. Res. 357, if ordered, and the motion to suspend the rules on H. Res. 109, if ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 193, not voting 7, as follows:

[Roll No. 216]

YEAS—233

Abercrombie	Green, Gene	Ortiz
Ackerman	Grijalva	Pallone
Adler (NJ)	Gutierrez	Pascrell
Altmire	Hall (NY)	Pastor (AZ)
Andrews	Halvorson	Payne
Arcuri	Hare	Pelosi
Baca	Harman	Perlmutter
Baird	Hastings (FL)	Peters
Baldwin	Heinrich	Peterson
Bean	Herseht Sandlin	Pingree (ME)
Becerra	Higgins	Polis (CO)
Berkley	Hill	Pomeroy
Berman	Himes	Price (NC)
Berry	Hinchev	Quigley
Bishop (GA)	Hirono	Rahall
Bishop (NY)	Hodes	Rangel
Blumenauer	Holden	Reyes
Bocchieri	Holt	Richardson
Boswell	Honda	Rodriguez
Boucher	Hoyer	Ross
Boyd	Inslee	Rothman (NJ)
Brady (PA)	Israel	Roybal-Allard
Braley (IA)	Jackson-Lee	Ruppersberger
Brown, Corrine	(TX)	Rush
Butterfield	Johnson (GA)	Ryan (OH)
Capps	Johnson, E. B.	Salazar
Capuano	Kagen	Sánchez, Linda
Cardoza	Kanjorski	T.
Carnahan	Kaptur	Sanchez, Loretta
Carney	Kennedy	Sarbanes
Carson (IN)	Kildee	Schakowsky
Castor (FL)	Kilpatrick (MI)	Schauer
Chandler	Kilroy	Schiff
Clarke	Kind	Schrader
Clay	Kirkpatrick (AZ)	Schwartz
Cleaver	Kissell	Scott (GA)
Clyburn	Klein (FL)	Scott (VA)
Cohen	Kosmas	Serrano
Connolly (VA)	Langevin	Sestak
Conyers	Larsen (WA)	Shea-Porter
Cooper	Larson (CT)	Sherman
Costa	Lee (CA)	Shuler
Costello	Levin	Sires
Courtney	Lipinski	Skelton
Crowley	Loeb sack	Slughter
Cuellar	Lofgren, Zoe	Smith (WA)
Cummings	Lowey	Snyder
Dahlkemper	Lujan	Space
Davis (AL)	Lynch	Speier
Davis (CA)	Maffei	Spratt
Davis (IL)	Maloney	Stupak
Davis (TN)	Markey (MA)	Sutton
DeFazio	Massa	Tanner
DeGette	Matsui	Tauscher
Delahunt	McCarthy (NY)	Thompson (CA)
DeLauro	McCollum	Thompson (MS)
Dicks	McDermott	Tierney
Dingell	McGovern	Titus
Doggett	McMahon	Tonko
Donnelly (IN)	McNerney	Towns
Doyle	Meek (FL)	Tsongas
Driehaus	Meeks (NY)	Van Hollen
Edwards (MD)	Melancon	Velázquez
Edwards (TX)	Michaud	Vislosky
Ellison	Miller (NC)	Walz
Ellsworth	Miller, George	Wasserman
Engel	Mollohan	Schultz
Eshoo	Moore (KS)	Waters
Etheridge	Moore (WI)	Watson
Farr	Moran (VA)	Watt
Fattah	Murphy (CT)	Waxman
Filner	Murphy, Patrick	Weiner
Frank (MA)	Murtha	Welch
Fudge	Nadler (NY)	Wexler
Giffords	Napolitano	Wilson (OH)
Gonzalez	Neal (MA)	Woolsey
Gordon (TN)	Oberstar	Wu
Grayson	Obey	Yarmuth
Green, Al	Oliver	

NAYS—193

Aderholt	Blunt	Buyer
Akin	Boehner	Calvert
Alexander	Bonner	Camp
Austria	Bono Mack	Campbell
Bachmann	Boozman	Cantor
Bachus	Boren	Cao
Barrett (SC)	Boustany	Capito
Barrow	Brady (TX)	Carter
Bartlett	Bright	Cassidy
Barton (TX)	Broun (GA)	Castle
Biggert	Brown (SC)	Chaffetz
Bilbray	Brown-Waite,	Childers
Bilirakis	Ginny	Coble
Bishop (UT)	Buchanan	Coffman (CO)
Blackburn	Burton (IN)	Cole

Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Ehlers  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foster  
Fox  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gingrey (GA)  
Gohmert  
Goodlatte  
Graves  
Griffith  
Guthrie  
Hall (TX)  
Harper  
Hastings (WA)  
Heller  
Hensarling  
Herger  
Hoekstra  
Hunter  
Inglis  
Issa  
Jenkins  
Johnson (IL)  
Johnson, Sam  
Jones  
Jordan (OH)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline (MN)  
Kratovil

Kucinich  
Lamborn  
Lance  
Latham  
LaTourette  
Latta  
Lee (NY)  
Lewis (CA)  
Linder  
LoBiondo  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Markey (CO)  
Marshall  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McHugh  
McIntyre  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Minnick  
Mitchell  
Moran (KS)  
Murphy, Tim  
Myrick  
Neugebauer  
Nunes  
Olson  
Paul  
Paulsen  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)

Posey  
Price (GA)  
Putnam  
Radanovich  
Rehberg  
Reichert  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Royce  
Ryan (WI)  
Scalise  
Schmidt  
Schock  
Sensenbrenner  
Sessions  
Shadegg  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Sullivan  
Taylor  
Teague  
Terry  
Thompson (PA)  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden  
Wamp  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Young (AK)  
Young (FL)

The vote was taken by electronic device, and there were—ayes 419, noes 3, not voting 10, as follows:

[Roll No. 217]

AYES—419

Abercrombie  
Ackerman  
Aderholt  
Adler (NJ)  
Akin  
Alexander  
Altmire  
Andrews  
Arcuri  
Austria  
Baca  
Bachmann  
Bachus  
Baird  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett  
Barton (TX)  
Bean  
Beceerra  
Berkley  
Berman  
Berry  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boccheri  
Bonner  
Bono Mack  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Brady (PA)  
Brady (TX)  
Braley (IA)  
Bright  
Broun (GA)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Buchanan  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Carter  
Cassidy  
Castle  
Castor (FL)  
Chandler  
Childers  
Clarke  
Clay  
Cleaver  
Clyburn  
Coble  
Coffman (CO)  
Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Crenshaw  
Crowley  
Cuellar  
Culberson  
Cummings

Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Pallone  
Pascrell  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Quigley  
Radanovich  
Rahall  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Linder  
Lipinski  
LoBiondo  
Loebsock  
Lofgren, Zoe  
Lowey  
Lucas  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (NY)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Minnick  
Mitchell  
Mollohan  
Moore (KS)

NOES—3

NOT VOTING—10

Burgess  
Granger  
Hinojosa

NOT VOTING—7

□ 1148

Mr. ISSA and Mrs. LUMMIS changed their vote from “yea” to “nay.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

SUPPORTING FINANCIAL LITERACY MONTH

The SPEAKER. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 357.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion offered by the gentleman from Kansas (Mr. MOORE) that the House suspend the rules and agree to the resolution, H. Res. 357.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. ANDREWS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

Chaffetz  
Boehner  
Burgess  
Butterfield  
Granger

Flake  
Hinojosa  
Jackson (IL)  
Lewis (GA)  
Perriello

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1158

Mr. CHAFFETZ changed his vote from “aye” to “no.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL CRIME VICTIMS' RIGHTS WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 109.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 109.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. BOCCIERI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 10, as follows:

[Roll No. 218]

AYES—422

Abercrombie	Cohen	Hare
Ackerman	Cole	Harman
Aderholt	Conaway	Harper
Adler (NJ)	Connolly (VA)	Hastings (FL)
Akin	Conyers	Hastings (WA)
Alexander	Cooper	Heinrich
Altmire	Costa	Heller
Andrews	Costello	Hensarling
Arcuri	Courtney	Herger
Austria	Crenshaw	Herseth Sandlin
Baca	Crowley	Higgins
Bachmann	Cuellar	Hill
Bachus	Culberson	Himes
Baird	Cummings	Hinchee
Baldwin	Dahlkemper	Hinchoe
Barrett (SC)	Davis (AL)	Hodes
Barrow	Davis (CA)	Hoekstra
Bartlett	Davis (IL)	Holden
Barton (TX)	Davis (KY)	Holt
Bean	Davis (TN)	Honda
Becerra	Deal (GA)	Hoyer
Berkley	DeFazio	Hunter
Berman	DeGette	Inglis
Berry	Delahunt	Inslee
Biggert	DeLauro	Israel
Bilbray	Dent	Issa
Bilirakis	Diaz-Balart, L.	Jackson-Lee
Bishop (GA)	Diaz-Balart, M.	(TX)
Bishop (NY)	Dicks	Jenkins
Bishop (UT)	Dingell	Johnson (GA)
Blackburn	Doggett	Johnson (IL)
Blumenauer	Donnelly (IN)	Johnson, E. B.
Blunt	Doyle	Johnson, Sam
Bocchieri	Dreier	Jones
Bonner	Driehaus	Jordan (OH)
Bono Mack	Duncan	Kagen
Boozman	Edwards (MD)	Kanjorski
Boren	Edwards (TX)	Kaptur
Boswell	Ehlers	Kennedy
Boucher	Ellison	Kildee
Boustany	Ellsworth	Kilroy
Boyd	Emerson	Kind
Brady (PA)	Engel	King (IA)
Brady (TX)	Eshoo	King (NY)
Bralley (IA)	Etheridge	Kingston
Bright	Fallin	Kirkpatrick (AZ)
Broun (GA)	Farr	Kissell
Brown (SC)	Fattah	Klein (FL)
Brown, Corrine	Filner	Kline (MN)
Brown-Waite,	Flake	Kosmas
Ginny	Fleming	Kratovil
Buchanan	Forbes	Kucinich
Burton (IN)	Fortenberry	Lamborn
Buyer	Foster	Lance
Calvert	Fox	Langevin
Camp	Frank (MA)	Larsen (WA)
Campbell	Franks (AZ)	Larson (CT)
Cantor	Frelinghuysen	Latham
Cao	Fudge	LaTourette
Capito	Gallely	Latta
Capps	Garrett (NJ)	Lee (CA)
Capuano	Gerlach	Lee (NY)
Cardoza	Giffords	Levin
Carnahan	Gingrey (GA)	Lewis (CA)
Carney	Gohmert	Lewis (GA)
Carson (IN)	Gonzalez	Linder
Carter	Goodlatte	Lipinski
Cassidy	Gordon (TN)	LoBiondo
Castle	Graves	Loebsack
Castor (FL)	Grayson	Loftgren, Zoe
Chaffetz	Green, Al	Lowe
Chandler	Green, Gene	Lucas
Childers	Griffith	Luetkemeyer
Clarke	Grijalva	Lujan
Clay	Guthrie	Lummis
Cleaver	Gutierrez	Lungren, Daniel
Clyburn	Hall (NY)	E.
Coble	Hall (TX)	Lynch
Coffman (CO)	Halvorson	Mack

Maffei	Payne	Shuler
Maloney	Pence	Shuster
Manzullo	Perlmutter	Simpson
Marchant	Peters	Sires
Markey (CO)	Peterson	Skelton
Markey (MA)	Petri	Slaughter
Marshall	Pingree (ME)	Smith (NE)
Massa	Pitts	Smith (NJ)
Matheson	Platts	Smith (TX)
Matsui	Poe (TX)	Smith (WA)
McCarthy (CA)	Polis (CO)	Snyder
McCarthy (NY)	Pomeroy	Souder
McCaul	Posey	Space
McClintock	Price (GA)	Speier
McCollum	Price (NC)	Spratt
McCotter	Putnam	Stearns
McDermott	Quigley	Stupak
McGovern	Radanovich	Sullivan
McHenry	Rahall	Sutton
McHugh	Rangel	Tanner
McIntyre	Rehberg	Tauscher
McKeon	Reichert	Taylor
McMahon	Reyes	Teague
McMorris	Richardson	Terry
Rodgers	Rodriguez	Thompson (CA)
McNerney	Roe (TN)	Thompson (MS)
Meek (FL)	Rogers (AL)	Thompson (PA)
Meeks (NY)	Rogers (KY)	Thornberry
Melancon	Rogers (MI)	Tiahrt
Mica	Rohrabacher	Rooney
Michaud	Rohrabacher	Tierney
Miller (FL)	Ros-Lehtinen	Titus
Miller (MI)	Roskam	Tonko
Miller (NC)	Ross	Towns
Miller, Gary	Rothman (NJ)	Tsongas
Miller, George	Roybal-Allard	Turner
Minnick	Royce	Upton
Mitchell	Ruppersberger	Van Hollen
Mollohan	Rush	Velázquez
Moore (KS)	Ryan (OH)	Visclosky
Moore (WI)	Ryan (WI)	Walden
Moran (KS)	Salazar	Walz
Moran (VA)	Sánchez, Linda	Wamp
Murphy (CT)	T.	Wasserman
Murphy, Patrick	Sanchez, Loretta	Schultz
Murphy, Tim	Sarbanes	Waters
Murtha	Scalise	Watson
Myrick	Schakowsky	Watt
Nadler (NY)	Schauer	Waxman
Napolitano	Schiff	Weiner
Neal (MA)	Schmidt	Welch
Neugebauer	Schock	Westmoreland
Nunes	Schrader	Wexler
Nye	Schwartz	Whitfield
Oberstar	Scott (GA)	Wilson (OH)
Obey	Scott (VA)	Wilson (SC)
Olson	Sensenbrenner	Wittman
Olver	Serrano	Wolf
Ortiz	Sessions	Woolsey
Pallone	Sestak	Wu
Pascrell	Shadegg	Yarmuth
Pastor (AZ)	Shea-Porter	Young (AK)
Paul	Sherman	Young (FL)
Paulsen	Shimkus	

NOT VOTING—10

Boehner	Hinojosa	Perriello
Burgess	Jackson (IL)	Stark
Butterfield	Kilpatrick (MI)	
Granger	Kirk	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1205

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained. Had I been present, I would have voted "aye" on rollcall Nos. 216, 217 and 218.

PROVIDING FOR CONSIDERATION OF H.R. 1913, LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 372 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 372

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour and 20 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, who may yield control of blocks of that time; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentlewoman, my friend from North Carolina, Dr. Foxx. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H. Res. 372 provides a closed rule for consideration of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009.

This legislation is a vital step towards bringing the full protection of the law to those targeted for violent, bias-motivated crimes simply because of who they are. This bill expands the Federal hate crimes law to include protections for crimes directed at individuals because of their gender, gender identity, sexual orientation, or disability.

These crimes are designed to intimidate entire communities on the basis of personal and immutable characteristics. All of us in this Chamber know

that hate crimes tear the fabric of our society and fragment communities because they target an entire community or group of people, not just the individual victim.

This legislation makes important new changes to Federal civil rights law by providing new Federal authority for investigating and prosecuting criminal civil rights violations. It authorizes the Attorney General to provide assistance in the criminal investigation or prosecution of violent crimes motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of the victim.

This bill spans interstate lines by establishing uniform Federal protections against hate crimes as a backdrop to existing laws in every State. It directs the Attorney General to give priority for assistance to cases in which offenders have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses associated with investigations and prosecutions.

This bill makes it a Federal criminal offense to cause or attempt to cause bodily harm through the use of fire, firearms, or explosive devices against a person due to bias-driven violence.

These provisions enhance our country's 233-year tradition of protecting liberty, freedom, and acceptance by protecting and recognizing the human dignity of every person. No person should live in fear of violence because of who they are.

Some have criticized this legislation by claiming that the hate crimes bill will infringe upon free speech, somehow turning Federal authorities into "thought police." In my view, this is simply not true. The hate crime bill adds no new classes of crime. This legislation is not about thinking or believing, but acting and harming.

This legislation strengthens, not weakens, the First Amendment freedom of speech protections. It prohibits for use as evidence a defendant's speech or association unless specifically related to the crime, and this legislation does not disturb constitutionally protected speech or associations.

It is preposterous to argue that this bill criminalizes thoughts and beliefs. The bill does not criminalize those who hate or disagree with other people or groups of people. It criminalizes acts of violence against people based on the victim's characteristics.

Under current law, the Federal Government's involvement is only authorized in those cases in which the victim was targeted because of race, color, religion, or national origin. The current protection is neither uniform nor comprehensive, and this has important practical and symbolic consequences.

It is vital that the Federal Government send a message to the American people that hate crimes committed because of one's sexual orientation, gender identity, gender, or disability are

as intolerable as those motivated by race, ethnicity, national origin, or religion.

Some also argue that we're federalizing crimes already illegal under State laws, providing limited jurisdiction to investigate and prosecute bias-motivated crimes. However, Congress has rejected this argument repeatedly by passing hundreds of bills that give the Federal Government jurisdiction over crimes that States already consider illegal.

From 1995 to 2006, my friends on the other side controlled Congress and enacted nearly 100 public laws imposing new Federal criminal penalties for conduct that was already under State law and creating over 600 new Federal crimes.

Hate crimes are destructive and divisive. A random act of violence resulting in injury or even death is a tragic event that devastates the lives of the victim and their family. But the intentional selection and beating or murder of an individual because of who they are terrorizes an entire community—and sometimes, the Nation.

It is easy to recognize the difference between the arson of an office building versus the intentional torching of a church or synagogue. The church or synagogue or mosque burning has a profound impact on the congregation, the faith community, the local community, and the Nation. We're all affected by violent acts of hatred, and there is ample evidence that violent, bias-motivated crimes continue to be a widespread and serious problem in our Nation.

□ 1215

In my home State, the most recent Florida Hate Crimes Report published by the Florida Attorney General reported a total of 193 hate crimes, 14.5 percent of which were motivated by sexual orientation. Additionally, poll after poll continues to show that the American public supports hate crimes legislation inclusive of sexual orientation. FBI data show 1,265 hate crime incidents directed at gays and lesbians in the year 2007 alone, the third most frequent victims and over 16 percent of all hate crimes reported that year. And 79 hate crime incidents directed at disabled victims were also reported that year. And, unfortunately, we know it is widely accepted that hate crimes specifically against those with disabilities remain vastly underreported. Mr. Speaker, this is clearly a problem that merits the passage of an expanded hate crimes law.

Furthermore, this legislation is endorsed by over 300 law enforcement, civil rights, civic and religious organizations including the National Sheriffs Association, the International Association of Chiefs of Police, National District Attorneys Association, the American Civil Liberties Union, the Human Rights Campaign, the Presbyterian Church, the Episcopal Church, the NAACP, and the National Disability Rights Network.

Mr. Speaker, this measure would give local law enforcement officials important tools to combat violent, bias-motivated crime. Federal support, through training and direct assistance, will help ensure that bias-motivated violence is effectively investigated and prosecuted. The legislation would also facilitate Federal investigations and prosecutions when local authorities are unwilling or unable to achieve a just result.

As we consider H.R. 1913 today, let us remember that this hate crimes bill is also known as the Matthew Shepard Act, in memory of the 21-year-old University of Wyoming student who was brutally tortured and murdered in 1998 just because he was gay. At the time of his murder just a few years ago, no criminal statute existed in Wyoming to charge his killers with a hate crime nor was there Federal financial assistance available to aid the local authorities in Laramie, Wyoming, with investigating and prosecuting his murder.

The fact of the matter is hate crimes happen every day and we should not wait for another Matthew Shepard to ensure justice.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from the Rules Committee for yielding time to us to be able to discuss this bill, and I yield myself such time as I may consume.

The discussion surrounding this bill today will no doubt center on the idea of crimes committed out of hate. There will be talk about the scourge of violent hate crime, which begs the question: Is there such a thing as nonhateful violent crime?

But in all the debate over criminal acts, a larger and forgotten debate is often left unspoken, and that is the debate over the role of free expression in our society. If this bill becomes law, it will have a chilling effect on many law-abiding Americans' freedom of expression.

The robust and healthy exchange of ideas is an American distinction. Because we are a land where free expression is one of our cherished foundational ideals, we have a long tradition of protecting the speech of everyone, from those with the most mainstream ideas to those on the fringe. Why do we do this? Because we know that in the end, in a healthy marketplace of ideas where the public square allows for an airing of all ideas, the best ideas and principles come out on top. In a strong marketplace of ideas, an American marketplace, bankrupt ideas are destined to fail. We should not live and legislate in fear of bankrupt ideas.

Marginal concepts, bad ideas, and flawed philosophies will always be buried beneath the tide of free and democratic expression, where free speech protects the individual's right to hold and express an opinion, even if such an opinion may be wrong. Holding this ideal is one reason why we on the minority side are so distressed that this

is a closed rule and we are not going to be allowed to offer amendments today because we know yesterday from the Rules Committee that some of our amendments would garner majority support, and we are very distressed about that.

Ultimately, a healthy public square always has a chilling effect on the forces of hatred. But today we are considering a bill that will start us down the road towards a public square that is less robust, more restrictive, and that will squelch our cherished constitutional right to free speech. It will establish a new category of criminal activity, which is thought crimes. Today it is the politically correct thought crimes, those directed toward certain protected groups, but when we open the door creating this new criminal category of thought crimes, it is but a small step to add new types of thought crimes to the list, and suddenly we find ourselves back on the Orwellian threshold of Nineteen Eighty-Four and staring down the specter of the thought police.

In George Orwell's novel Nineteen Eighty-Four, the government attempts to control not only the speech and actions but also the thoughts of its subjects, labeling disapproved thoughts with the term "thought crime." The Thought Police use psychology and omnipresent surveillance to find and eliminate members of society who are capable of the mere thought of challenging ruling authority.

The way this bill is written, law enforcement will be called upon to unearth a criminal's motivation for committing a crime. The questions must then be asked: What thoughts caused the perpetrator to commit the so-called hate crime? And what caused this person to have these thoughts? Could it have been, for example, the sermon of a local religious leader, perhaps a respected local rabbi, who preached a message out of a religious conviction and belief in a sacred book? Under this law that rabbi may be guilty of inducing an act of violence simply because of his religious convictions. And it wouldn't take many arrests to put a choke hold on the free speech of religious leaders across our Nation.

In closing, I would like to quote liberal commentator Glenn Greenwald, certainly no apologist for conservatives like myself. But he has some strong words for hate crime laws such as those which already exist in Europe and in our neighbor to the north, Canada. Writing on salon.com last year, he called hate crimes laws "oppressive" and "pernicious." Allow me to quote him at length because he summarizes the consequences of this type of legislation very well:

"Empowering the State to proscribe and punish speech is not only the most dangerous step a society can take, though it is that, it's also the most senseless. It never achieves its intended effect of suppressing or elimi-

nating a particular view. If anything, it has the opposite effect, by driving it underground, thus preventing debate and exposure."

As I said earlier, the best antidote to hate, perceived or real, is the bright light of public debate and scrutiny, not the outright censorship contained in this so-called hate crimes legislation.

My friends, this legislation starts us down a slippery slope. No longer are all Americans subject to equal justice under the law. No. A murderer of a police officer can be treated more leniently under this law than someone who is convicted of a so-called hate-motivated murder of a protected class of citizens. This is not equal justice. This is the codifying of a thought crimes law that weakens our first amendment and that dilutes our long tradition of equal justice under the law.

I will urge my colleagues to vote "no" on this rule and "no" on the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 3 minutes to the distinguished gentleman from Colorado, my good friend and member of the Rules Committee, Mr. POLIS.

Mr. POLIS. Mr. Speaker, I rise in strong support of this rule for H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act, as well as the bill itself.

Last July a young transgender Latina living in Greeley, Colorado, was brutally attacked and murdered. Her killer, who became outraged after he discovered that she was transgender and beat her to death, told authorities that he had "killed it" and that "all gays must die." Just last week I am glad to announce that Angie's killer was convicted not only of first degree murder but also of a hate crime in the beating death of Angie under Colorado law. It was the first time in the Nation that a State hate crime statute resulted in the conviction of a transgender person's murder, and as a result, Angie's killer will serve life in prison without the possibility of parole.

Thanks in large part to Colorado's hate crimes law, which included gender identity as a protected class, justice was served in this case. But, sadly, this has more often than not not been the case. Just a few years earlier, Fred Martinez, a Navajo Native American in Cortez, Colorado, openly gay youth, was killed. The perpetrator, who along with an accomplice had met Fred at a carnival that night, attacked and beat him to death with a large rock. Later he bragged to his friends that he had "beat up a fag." In contrast to Angie Zapata, Fred's killer was not charged with a hate crime because no Colorado or Federal law protecting gender identity existed at that time. His assaulter received a 40-year sentence under a plea agreement but will be eligible for

parole in 25 years. If he had been charged with a Federal hate crime, he would have received a life sentence without parole.

Sadly, Angie and Fred are not alone. Since 1991 over 100,000 hate crime offenses have been reported to the FBI with over 7,000 reported in 2006. And although much is talked about violent attacks against the lesbian, gay, bisexual, and transgender community, this is not just an LGBT issue. Violent crimes based on race, religion, ethnicity and national origin are reported every year.

What makes these crimes so odious is that they are not just crimes against an individual; they are crimes that terrorize entire communities and, indeed, are against the values and ideals upon which our country was founded. With each attack, these criminals are attempting to send a message of intimidation to the victim's entire community, a message that Americans do not belong and deserve to be victimized solely because of who they are.

Far from creating a class for special protection, we are establishing equal protection under the law for people who do not enjoy it today in this country. The hate crimes bill that we are voting on today is sending a message that these crimes will no longer be tolerated. I strongly support efforts to punish hate crimes and am a proud cosponsor of the bill.

The bill is especially important for police departments in smaller towns that don't always have the resources to deal with hate crimes. For example, the cost of the investigation and prosecution of Matthew Shepard's killers dealt a severe blow to the Laramie, Wyoming, law enforcement budget, resulting in the furlough of five officers, undermining public safety. This bill would prevent that.

This bill also corrects two major deficiencies in current law: One, the excessive restrictions requiring proof that victims were attacked because they were engaged in certain "federally protected activities"; and, two, the limited scope of the law.

It's important to note this legislation will not take rights away from anyone. Our country was founded upon certain inalienable rights, including the freedom of religion and free speech. This bill does not interfere with either of those principles, and that's why it's backed not only by hundreds of law enforcement agencies but by mainstream faith-based organizations.

It's time to pass this law. We must no longer turn a blind eye to hate crimes of any kind. Everyone, regardless of race, creed, color, and sexual orientation and gender identity, must stand equal in the eyes of the law. I encourage my colleagues to support the rule and the bill.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to my distinguished colleague from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, with all the challenges that we have

in this Nation, we still hold these truths to be self-evident: that all men are created equal and that they are equal because they are all God's children. Therefore, the essence of America is that all people should be treated with the same respect and protected completely equally under the law. Whenever we begin to divide ourselves into groups and afford one group more protection than another, we necessarily diminish the protection and equality of all the remaining groups.

Mr. Speaker, regardless of whether a person is white, black, handicapped, healthy, old, sick, young, homosexual, heterosexual, a veteran, a police officer, a senior, whatever the case is, they deserve equal protection under the law.

□ 1230

That is the foundational premise of this Nation, and this legislation moves us all directly away from that basic foundation in a profound and dangerous way.

This legislation would prosecute individuals, not on the basis of their crime, but on their alleged motivation for committing it. It requires law enforcement officials and prosecutors to gather evidence of the offenders' thoughts, rather than their actual actions and their criminal intent.

Furthermore, under this bill, such individuals who may not even have been aware of the crime could receive the same or similar penalties as the criminal himself. It would only take some arbitrary prosecutor to construe that the individual had influenced the beliefs or thoughts of a perpetrator of a crime and thereby somehow caused hateful or violent acts. One unscrupulous government entity, plus this hate crimes legislation, equals the perfect recipe for tearing away from American citizens some of the most basic constitutional rights in our Nation.

Mr. Speaker, the fundamental purpose of this body is to protect the lives and constitutional rights of the American people regardless of who they are or what they believe. Unfortunately, this legislation would do just the opposite by granting unequal protections based on personal beliefs and thoughts, and it would endanger the constitutional liberties of millions of Americans.

I thank the gentlelady for the time and urge my colleagues to vote "no."

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend and former member of the Rules Committee, and my fellow Floridian, Ms. CASTOR.

Ms. CASTOR of Florida. I thank my colleague for yielding time and for his years of leadership in the fight against discrimination.

Mr. Speaker, I rise in support of the Local Law Enforcement Hate Crimes Prevention Act and this rule.

Mr. Speaker, hate crimes are different from other types of crimes because the perpetrator targets a certain type of person based upon physical or

other personal attributes. Hate crimes are a purposeful, violent and dangerous manifestation of prejudice.

Now, to increase public safety and fight crime, we offer today additional tools for law enforcement to fight hate crimes.

I am proud to be an original cosponsor of this legislation that will ensure that hate crimes based upon sexual orientation are covered along with other crimes committed with hatred based on race, religion and national origin.

This bill provides important resources to State and local law enforcement agencies to investigate and prosecute hate crimes, and it will also be a Federal criminal offense to cause or attempt to cause bodily harm.

I am proud today to stand up for all of my neighbors. You see, hate crimes are not only a problem for victims, but also for our communities and neighborhoods.

Unfortunately, my community in Florida has not been immune from hate crimes. Tampa leads the State of Florida in the number of reported hate crimes, according to an annual FBI report. It is likely that Tampa ranks high because the police there have a zero tolerance policy. All possible or borderline cases are reported.

Last year in Florida we had cases like the KKK being scrawled on something and shoved into a family's mailbox. And a 25-year-old woman in Daytona Beach was intentionally hit by a car just because of the color of her skin. How do we know? Because the man driving the car yelled, "Help me kill these (blanks). These (blanks) have to die."

In 2007, a Polk County person was stabbed to death for being gay. Police arrested and charged two Pinellas County teenagers after they spray-painted anti-Semitic and racial slurs on nine portable classrooms at a high school.

The Islamic Education Center of Florida in Tampa was set on fire, and thousands of my neighbors were left without a place to hold services.

Hate crimes have no place in my community or anyplace else, but they are an unfortunate reality that must be addressed. Mr. Speaker, this legislation has languished, and it's time that it be signed into law.

I thank Chairman CONYERS for his leadership. I urge a "yes" vote on this rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I now would like to yield 2 minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank my friend for yielding.

Mr. Speaker, I believe this bill is a dangerous proposal which can transform the criminal justice system and in spite of all the protestations that now maybe we have safeguards, I think it threatens religious liberty.

The hate crimes bill federalizes each and every State and local crime. There is no evidence that States and local-

ities are failing to prosecute crimes under existing law.

A person intentionally hit by a car is the victim of the same crime, regardless of why. The key there is "intentionally." Whether you intentionally decide you are going to run over somebody with a car because they are there and you are mad, the penalties should be the same and to suggest that it is not is a Federal mistake at the level we are suggesting mistakes would be made.

Hate crimes legislation invariably has threatened religious leaders and groups with criminal prosecution, an investigation into why that person's thoughts, beliefs or statements led to their actions.

This can easily jeopardize constitutional rights of freedom of speech and religious expression. In fact, the very fact that the people who wrote this legislation have gone out of their way to come up with a new protection suggests that there is danger. There has been danger in every other country that has come up with this kind of legislation.

This requires criminal investigations to probe if a crime occurred because of bias toward a protected group and opens the door to criminal investigations of a suspect's philosophical beliefs, politics, biases, religion, activities and past statements.

Due to the subjectivity of these kinds of feelings and motives, there is enormous potential here, Mr. Speaker, for error. This creates unequal treatment of victims by treating crimes against protected groups more seriously than nonprotected groups. Murder of a victim will be treated more seriously than murder of another victim.

Mr. Speaker, I believe that's wrong. I think this is a constitutional problem. Again, in every State, in every country that has had similar legislation, this has created a problem of speech.

Hate crimes become hate speech, become thought crimes too easily, and I urge a "no" vote.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to my good friend the distinguished gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Speaker, I am proud to support the Local Law Enforcement and Hate Crimes Prevention Act.

This is a commonsense bill with broad bipartisan support. Our law enforcement agencies, the vast majority of whom support this legislation, deserve the tools to battle hate-filled violence.

Bias-motivated crimes based on sexual orientation have more than tripled since the FBI began collecting hate crimes statistics about 20 years ago. But our law enforcement agencies still have no authority to assist communities dealing with even the most brutal crimes committed against our gay, lesbian, bisexual and transgender neighbors and friends.

This is a travesty. H.R. 1913 is a commonsense step to fix this injustice. The bill allows the Justice Department to aid State and local jurisdictions, either by lending assistance or by taking the lead in investigations and prosecutions of violent crimes which are motivated by bias.

Mr. Speaker, let us be clear. Nothing in H.R. 1913 could or would change First Amendment protections, but violence is not free speech.

Like many of my colleagues, I live in a community that was tragically altered by a senseless hate crime. Early last year, Lawrence King, an eighth grader in my district in a junior high school, was shot and killed by another student in his computer class, again, at a middle school. Lawrence was a young man who identified himself as a gay person, and this was the cause of the violence that took his life.

The police correctly identified the murder and classified it as a hate crime.

Mr. Speaker, I am very honored to stand here today and support H.R. 1913 in memory of Lawrence King and so many others who have been victims of hate crimes and acts of violence.

Ms. FOXX. Mr. Speaker, I now would like to yield 4 minutes to the distinguished gentleman from Iowa (Mr. KING) a member of the Judiciary Committee, who offered several excellent amendments that were rejected by the committee.

Mr. KING of Iowa. I thank the gentlelady from North Carolina for yielding the time.

Mr. Speaker, this issue was debated for 2 days before the Judiciary Committee. There were many, many amendments that were offered before the committee. Every one of them was rejected and shot down out of, I think, a desire to preserve the bill to be whatever it was that was presented to the committee.

And now here we are with a rule that results in a closed rule, Mr. Speaker, a closed rule because, as the gentlelady from North Carolina said, there is a fear that there could be amendments that would succeed that would be offered here.

One of those that I happened to have offered before the Judiciary Committee was to exempt pedophiles as a special protected status that is under this bill. Now, the rational thought on the other side I couldn't follow, Mr. Speaker, but I think it would be rational for this full body as a House of Representatives to make a decision on this. And I think that there was a fear on the part of the Rules Committee that that would also be a decision that would be made.

Well, I have before me a list from the American Psychological Association of the paraphilias, paraphilias being, I will call them proclivities in my vernacular, Mr. Speaker, and among them are pedophiles and a whole list of other kinds of activities. There are 547 of them altogether. We can't even exempt pedophiles, let alone the other

proclivities that are there, from special protected status.

We can't define the language that's in the bill, the language in the bill that says "gender" versus "sex." Gender isn't the same thing as using the word "sex." Sex is what an individual can determine someone else to be. Gender is what a person thinks they are in their head. So the blurry language of gender replaces the clear language of sex that has been in our law for a long time in history.

Sexual orientation is another one of these. There are three different categories. We are figuring out what's in people's heads, the perpetrator and the victim. So under sexual orientation you have a mental definition, the head of, perhaps, the victim what's going on there. You have the plumbing of the victim, that's a different kind of a definition. And then you have the act that might be carried out by someone of a specific sexual orientation. No definition exists in law.

Gender identity is another broad category that can be whatever any individual wants it to be. So how does someone discriminate against someone else? How do they determine what these particular proclivities are, Mr. Speaker?

These are the broad, mushy areas of law that lead us down a path that ends up with any combination of liberal activist judges who will turn this into a mass of special protected status people, sacred cows walking through our society, self-alleged.

The gentleman from Florida mentioned the immutable characteristics. No, that's not in the bill. We tried to put it in the bill, but that amendment was shot down. I wish we could protect immutable characteristics. I think they should be. And those characteristics are those characteristics that are independently verified and can't be willfully changed.

That's the subject matter, 1984, George Orwell. I brought this up the last time we debated this. And I think it's important that we look at the book that was written in 1949 and predicted by George Orwell that by 1984 we would be where we are today in 2009.

He was writing about the new totalitarians who learned from the Nazis and the Russian Communists. And they said, "The Party is not interested in any 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." This is George Orwell, 1984, anticipating we would be having this debate in 1984, and today it's 2009, Mr. Speaker.

We should punish all perpetrators. There should be no special victims, and all perpetrators should be punished the same. And I think 25 years for assault

on anyone is enough. But to the gentleman from Colorado that called for a life sentence for assault, what does he do to a murderer?

I oppose the rule and the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished chairman of the Judiciary Committee and the author of this legislation, my good friend, Mr. CONYERS.

Mr. CONYERS. Thank you, Judge Hastings.

I want to thank everybody on the Committee on Rules about the careful consideration they have given me and the legislation. We had a great discussion yesterday that will no doubt continue on.

□ 1245

I wanted to assure Dr. Foxx that there can be nonhate crime. There is plenty of it. As a matter of fact, most of the crime that is committed is not hate-based. Robbery is not hate-based. Breaking and entry is not hate-based.

And I wanted to tell my distinguished colleague on the committee, Mr. FRANKS, that it is too late not to decide to create a special category for hate crime, because had he been on the committee in 1968, he would have been invited to the White House when President Johnson invited in the Southern governors to explain to them that cross-burning had gotten so out of hand that it could no longer be classified as a State crime, that it had to be federalized with an attempt to contain it. As a matter of fact, they did contain it.

To our distinguished Member, Mr. BLUNT, I want him to be very relaxed in his getting of rest every night. There is no religious infringement whatsoever. As a matter of fact, we kept saying it so much that we finally put it into the bill itself. If you look at the last section in the bill, Section 8, it says in as clear a language as we could construct that anything protected by the Constitution cannot be eviscerated or modified by this hate crimes act, which has been going on now for 31 years.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to our distinguished colleague, the gentlewoman from Oklahoma (Ms. FALLIN).

Ms. FALLIN. Mr. Speaker, I would like to thank the gentlewoman from North Carolina for the time.

I just want to say I am as appalled as any Member of Congress by crimes committed as an act of hate. Criminals who commit acts like murder, rape and assault do belong behind bars. But I oppose this bill because it lays the groundwork for the prosecution and the potential persecution of citizens whose crimes are not actions, but rather crimes of thought and speech.

The end result of this bill and the hate crimes agenda will be the suppression of both the freedom of speech and the freedom of religion. By establishing crimes of speech and thought, this law places pundits, journalists,

preachers and religious men and women at risk.

Other nations have gone down this path before and seen their liberties curtailed. In nations like Canada and Great Britain, where hate crimes legislation has been expanded to include speech, now columnists must avoid certain subjects, and cartoonists worry that their caricatures could become a crime.

Even in this country, hate crimes legislation has already been used as a political tool to suppress religious speech. In Pennsylvania, we saw a State hate crimes law used to file felony charges against 11 Christians speaking their minds and preaching their beliefs concerning a gay pride parade. Because sexual orientation had been added to the Pennsylvania hate crimes statute, the Christian demonstrators faced the following charges: Criminal conspiracy; possession of instruments of a crime—and the instruments of the crime were bullhorns; reckless endangerment of another person; ethnic intimidation; riot; failure to disperse; disorderly conduct; and obstructing highways.

I believe America is the greatest country in the world because we do have freedom of speech and we do have freedom of religion, and we must protect those ideals.

Mr. Speaker, any acts of murder, rape, assault, harassment, theft or any other crime should be punished equally under the law. I cannot support legislation which establishes thought crimes or lays the foundation for a country in which religious and political speech can be deemed hateful and even criminal.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Judiciary Committee.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, for my colleagues, I think you are aware that when we are on the floor debating this procedural concept called the rule, we usually try to go into the structure of the bill so that we can be clear as we move to general debate to offer our philosophical positions. So let me try to frame what this bill is actually about so that my colleagues can offer their opinions certainly during the general debate.

This bill, though it is called the hate crimes bill, it is also a focus on local law enforcement, and the concept is that all we are doing here is providing assistance to those local and State law enforcement agencies to ensure they have the tools to prosecute a case of hate crime.

Now, it is interesting that my friends on the other side have highlighted that we are separating out and enhancing the sentencing of those who engage in hate. Well, we have done that in years

past. The 1964 Civil Rights Act and our discrimination laws have indicated that we abhor discrimination against anyone.

All this bill is doing is providing the resources on a State basis in the framework of Federal constitutional protection, so therefore if someone is in a church arguing or somewhere their political beliefs, their religious beliefs, it is not covered by this bill. We are not enforcing actions against that individual.

If you look through the bill, you will find it talks about assistance, financial assistance, to ensure that a case can be investigated. What we need to understand is a case can be investigated and the person can be vindicated, can be found not guilty or will not be prosecuted because the facts are not there. To burden local law enforcement and State law enforcement with getting to the truth is something that we want to help with, because the truth is in fact a part of ensuring the Constitution is in place.

Let me also make note of the fact that this is acts of violence. So free speech, as colorful as it can be, as we have all heard in our elementary school, words can hurt us, but it is only sticks and stones that hurt us.

I ask Members to support this legislation because it is fair on its face.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is time for us to respond to some of the comments that have been made here this afternoon by our friends on the other side, and I appreciate the gentlewoman from Texas bringing up an issue that I think needs to be responded to.

As she pointed out, these crimes are being taken care of in the States. Forty-five States already have hate crime laws. What we are doing with this bill, as one of my colleagues has said earlier, is going in and preempting what the States are doing. This is abrogating the 10th Amendment again. The Constitution has clearly left to the States and localities and the people things that are not spelled out in the Constitution.

Ms. JACKSON-LEE of Texas. Will the gentlewoman yield?

Ms. FOXX. As soon as I am finished, I will do that.

However, nobody has said that the States aren't doing an adequate job of administering the laws that they have already. We don't need the Federal Government going in and working with them.

The issue of giving them assistance is another issue. If nothing else, that is a good reason to vote against this bill, because the bill states "such sums as are needed." We are creating another entitlement program. Now, the grants say \$100,000, but we are going to have people going after this money, putting ourselves more in debt, not included in the budget, not included in the appropriations but outside the budget. If you didn't vote against this bill and against

this rule for any other reason, you could vote against it because we are spending additional money.

I also would like to point out that there was a bill, the hate crimes bill called the Matthew Shepard Act, named after a very unfortunate incident that happened where a young man was killed. But we know that that young man was killed in the commitment of a robbery. It wasn't because he was gay. The bill was named for him, the hate crimes bill was named for him, but it is really a hoax that that continues to be used as an excuse for passing these bills.

Ms. JACKSON-LEE of Texas. Will the gentlewoman yield?

Ms. FOXX. In just a moment.

I also want to point out that one of the concerns that we have and why we believe that free speech is being endangered by this bill is the fact that the word "perceived" is used so often in this bill. In fact, I have pulled each one of them out. It says "is motivated by prejudice based on actual or perceived race."

Throughout the bill, there are five instances where the word "perceived" is used, but the word "perceived" is never defined. We believe that that opens up a Pandora's box in terms of how people can use this bill to stifle free speech. Our colleagues on the other side have not been willing to define this word or, again, to take amendments that many of us believe would have made this bill much, much better.

So I say to my colleagues, this is not the kind of legislation we should be passing in this country in this day.

If the gentlewoman wants to ask me a question which I can answer quickly, since I am on my time, I will yield. If it is a matter to speak on, then I would ask her to ask for time on her side.

Ms. JACKSON-LEE of Texas. I agree. I would just ask the gentlewoman if she has read section 3 that indicates the State would ask for the assistance, and then page 12 of the bill that indicates, it is part (d), I don't want to go back to the section, but page 12, line 9, indicates that no voice where someone is speaking or making expression will be in evidence to prove that that person is engaged in a hate crime.

I would ask the gentlewoman if she looked at that thoroughly?

Ms. FOXX. I have read the bill and read it carefully, and I have great problems with the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to my good friend the distinguished Congressional Black Caucus Chair, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, let me first thank the gentleman for yielding and for your steady and very fair leadership as a member of the House Rules Committee. Also to Chairman CONYERS, let me thank you for

your leadership in making sure this important legislation gets to the floor today.

I also want to acknowledge the indispensable contributions of the LGBT Caucus, on which I serve as a member, which is led so ably by our colleagues Chairman BARNEY FRANK, Congresswoman TAMMY BALDWIN, and Congressman JARED POLIS.

This legislation is long overdue. In the long history of the United States, there is much to admire and to celebrate. But, regrettably, there have been episodes in our history that are tragic, violent and shameful. Among the most horrific are violent crimes motivated by hate.

The notorious race riots in Greenwood, Oklahoma, and Rosewood, Florida, in the early years of this last century, to the church bombings and attacks on gay, lesbian, bisexual and transgendered persons, are painful reminders that we still have not perfected our Union. Whether it has been the color of their skin, their religion, gender, disability, national origin, or their sexual orientation or identity, the sad fact is that too many persons have been the victims of violence, often ending in death, simply because of a characteristic of birth.

Sadly, many of the recent attacks based on sexual orientation have been against gay black men, like Michael Sandy, who was beaten and robbed in New York by four men and lay in a coma for several days before he died. In court proceedings, it was revealed that his attackers viewed gay men as prey. Fortunately, New York's hate crimes law now includes sexual orientation as a protected class.

And closer to my home, right outside of my district in Newark, California, a young high school student named Gwen Araujo was viciously beaten to death by four young men and buried simply because she was born a male. Gwen was comfortable as herself, a transgendered woman, and had lived her high school years as a girl with the love and support of her family, particularly her mother, Sylvia Guerrero.

Gwen's story really resonates with me. Children are entitled to be free from hate-motivated violence in schools. That is why when I was in the California legislature, I authored and Pete Wilson signed into law the California Hate Crimes Reduction Act.

Members of the clergy support this bill, the Congress of National Black Churches, the Episcopal Church and the Evangelical Lutheran Church of America.

□ 1300

Ms. FOXX. Mr. Speaker, I would like to yield 3 minutes to our colleague from Texas (Mr. GOHMERT), who also offered several amendments that were not taken.

Mr. GOHMERT. Mr. Speaker, there should have been amendments to this because there are all kinds of problems with it. When, in America, we start di-

viding this country into groups, we've got trouble; and that's what this bill does. It divides America into groups and says these over here are more important to protect than the rest of you guys. That is a problem.

Now, I'd like to address the question that my friend from Texas raised about the rule of evidence I think is what she was talking about. It does say, "In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense."

18 U.S.C. section 2(a) says if you aid, abet, counsel, induce someone to commit a crime, you are just as guilty as the one that committed it.

So, for example, I have a Bible here that my uncle was given when he entered World War II. It has a flyleaf cover that says, "As Commander-in-Chief, I take pleasure in commending the reading of the Bible to all who serve in the Armed Forces of the United States. Throughout the centuries, men of many faiths and diverse origins have found in the Sacred Book words of wisdom, counsel and inspiration. It is a fountain of strength, and now, as always, an aid to attaining the highest aspiration of the human soul."

That's signed Franklin D. Roosevelt in this little Bible.

But if you look over to Romans, it talks about, "For this cause God gave them up to vile affections, for even their women did change the natural use into that which is against nature; and likewise, the men, leaving the natural use of women, burned in their lust one to another, men with men, working that which is unseemly and receiving in themselves that recompense of their error which was meet."

If somebody hears a preacher preaching that and goes out and commits an act of violence, I mean, I was a prosecutor 30 years ago. It doesn't take much imagination to say, we had to arrest the preacher; it was clear he's the one that planted the seeds in this nut's head that went out and committed an act of violence. Therefore, this evidence of what he read from the Bible, even though FDR signed it and encouraged people to read it, FDR's not around, we can't go after him, but we can go after this preacher that put that in the mind of the individual. They induced it. They're guilty as a principal. And even if they're not, just arresting pastors a few times and saying, we're going to let the jury decide what his intent was will be enough to have a chilling effect.

There's no Federal nexus here. There is no epidemic. There's no evidence of an epidemic. There's no need. Every case that's been brought up, including Matthew Shepard, in that case they got life without parole. The other got two life sentences. James Byrd, the two defendants most culpable got what they deserved, they got the death penalty, and this case will not affect that.

The other guy got life. Wouldn't affect him. There is no need. There is no epidemic. It divides America. Why don't we say "no" to this and let America be united again.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased at this time to yield 1 minute to my distinguished colleague and good friend from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman and rise in support of this rule and the underlying legislation.

Hate crimes are real. They spread fear and intimidation among entire communities. This bill would strengthen local law enforcement's ability to prosecute hate crimes based on race, color, religion, national origin, gender, sexual orientation, gender identity and disability to the victim.

It is patently false to say that we're criminalizing thought. We are criminalizing the brutality that results when these thoughts lead to death and serious injury of an innocent victim. This is no more about criminalizing thought than the antilynching laws were about criminalizing knot tying.

And to say that pedophilia somehow belongs in here represents such uninformed, illogical and irrelevant thinking as to say kleptomania, drug abuse, school truancy, parking violation and road rage belongs here.

This bill is about hate crimes. This bill has strong support from over 300 civil rights, religious, LGBT, law enforcement and civic organizations, and I'm particularly pleased to identify the support of the Garden State Equality, a group that has fought tirelessly to fight discrimination against all Americans, including discrimination based on gender identity.

I urge support of the rule and the underlying bill.

Ms. FOXX. Mr. Speaker, I would like to yield 2 minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentlewoman from North Carolina for her hard work on the Rules Committee, on this rule fight, and I rise in strong opposition to the rule and the underlying bill.

My goodness. How long are we going to debate this? 40 minutes or an hour? This very important piece of legislation under this rule?

I can understand why we only have that amount of time because, after all, we're going to be working as late as 4 this afternoon here in the House. How could we possibly go just a little later than 4 to debate a very, very important piece of legislation?

And then what amendments will we be debating? None. It's a closed rule.

This is an atrocity. This is a very highly contentious piece of legislation. We held a 2-day markup on this bill with numerous amendments in the Judiciary Committee, and it is very clear that we need a rule that will allow for amendments to be considered on the floor of the House. But we certainly don't have that.

So I urge my colleagues to oppose this rule.

I would also point out that this underlying piece of legislation, which I will have the opportunity to speak more on in the general debate, is something that does, indeed, deal with thought. The only difference between beating up a senior citizen and beating up somebody who is in a protected class, under this piece of legislation, or beating up a pregnant woman, or beating up someone who's in a protected class, under this legislation, is the thought process that went into the motivation to assault that particular person. And that is legislation that is founded on criminalizing thought.

It is very deeply concerning, because I, like most Americans, believe that every victim of every crime is entitled to be treated the same under the law. Why would a senior citizen not be deserving of these additional protections that are provided based upon sex or sexual orientation or race or religion?

Why would pregnant women who suffer all kinds of violent crimes against them not be deserving of that same kind of protection?

This legislation is bad. Vote down the rule. Vote down the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 1 minute to the newest Member of the House of Representatives, at least for another 6 hours, until one newer than him is sworn in, Mr. QUIGLEY from Illinois.

Mr. QUIGLEY. I rise in strong support of H.R. 1913. I am new here, but I am not new to this issue. And I am extraordinarily aware that in our country hatred has an extraordinary tenacity, a tenacity which we must be on arm against, especially when that hatred takes the form of action.

In 2008, there were 72 reported hate crimes in the city of Chicago alone. When one of our neighbors is attacked, our entire community must feel the pain. Every American, regardless of who his parents are, where she worships, or who he chooses to love, deserves to be free from the fear of harm. This bill will go a long way towards ensuring all of our citizens have access, equal access to protection under the law.

I thank the Chair and urge my colleagues to support this important legislation.

Ms. FOXX. Mr. Speaker, I would like to yield 90 seconds now to my colleague from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentlelady from North Carolina for yielding.

I want to take it back to this question. We have these vague terms in this legislation that's before us, these vague terms that the Judiciary Committee majority refused to define and refused to allow a definition, and so I've looked up some definitions of this language, and here is one of them. Sexual orientation. We'll go to the Merriam Webster's Dictionary, under

medical, and it says, sexual orientation: One's attraction to and preference in sexual partners. One definition.

Here's another definition that comes from the American Heritage Stedman's Medical Dictionary. It says sexual orientation is sexual activity with people of the opposite sex, the same sex or both.

So one is an attraction definition, and the other one is an activity definition.

And now I go to the American Psychological Association, those people that have identified 547 different paraphilias, and they say sexual orientation is different from sexual behavior because it refers to feelings and self-concept. Individuals may or may not express that in their behaviors.

So, here we have, again, these broad definitions in the so-called hate crimes legislation that truly are thought crimes, because without the thought, you're not going to have the hate, and it can only be defined by trying to look into the skull of the victim and the perpetrator. And there's never been legislation that's presented that's been this broad or that imagines that it can define something that is in the head of a victim and in the head of the perpetrator at the same time, let alone what might be in the head of the judge, Mr. Speaker. So I oppose this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I would like to inquire of the gentlelady if she has any remaining speakers. I am the last speaker for this side and am prepared to reserve.

Ms. FOXX. Mr. Speaker, I am prepared to close.

Mr. HASTINGS of Washington. Then I would reserve the balance of my time until the gentlelady has closed for her side and yielded back her time.

The SPEAKER pro tempore. The gentlewoman from North Carolina has 3 minutes remaining.

Ms. FOXX. Mr. Speaker, my colleagues who have spoken here today have been extremely eloquent, and they've done a very, very good job of saying why this rule is bad and why the underlying bill is bad.

I want to end with a summary and with a quote. I want to quote from a column by William Raspberry from The Washington Post, April 9, 1999. And I'm quoting from the end of that column. The title of it is Thought Crimes. "What I'm asking is this: Isn't it enough that people be punished for what they do, rather than for the attitudes that drive them to do it? What is the advantage of prosecuting people for what amounts to crimes of wrong thinking? Surely we don't expect expanded legislation to change their thinking, and we've already got laws against the awful behavior their warped thinking may produce. But I can't see that Clinton's proposal can do any good whatever. But as I said, it's likely to do negligible harm, so I'll just shut up."

Mr. Raspberry is certainly not a conservative speaker or writer. However,

he shares the same view that I and my colleagues have shared today.

And let me summarize, again, why we're opposed to this bill. Our criminal justice system has been built on the ideal of equal justice for all. This bill turns that fundamental principle on its head. Justice will no longer be equal but will depend on the race, gender, gender identity, sexual orientation, disability or other protected status of the victim. The bill is unconstitutional, we believe, and will likely be struck down by the courts.

The hate crimes bill will restrict religious freedom and first amendment rights by raising the possibility that religious leaders or members of religious groups could be prosecuted criminally based on their speech or protected activities.

We believe this bill itself will spread fear and intimidation. Religious organizations may be chilled from expressing their ideas regarding homosexuality out of fear from involvement in the criminal process.

The bill also federalizes crimes that are being effectively prosecuted by our States and local governments.

In 2007, of the approximately 17,000 homicides that occurred in the United States, only 9 of the murders were determined to be motivated by bias. Regarding crimes where there are actual victims, there's no evidence that States are not fully prosecuting violent crimes involving "hate."

We all agree that every violent crime is deplorable, regardless of its motivation. Every violent crime can be devastating, not only to the victim, but the larger community whose public safety has been violated.

□ 1315

That is why all violent crimes must be vigorously prosecuted. Individuals prosecuted under this legislation, though, are not going to be punished for just their actions, but for their thoughts.

Mr. Speaker, this underlying bill is a bad bill and it is a bad rule, and I urge its defeat.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of time.

Mr. Speaker, I have been on the Rules Committee a considerable amount of time, both in the minority and in the majority, and I have seen things come to the Rules Committee that I thought were trivializing the process, but yesterday took the cake for me.

We had an amendment offered by one of our colleagues to this particular legislation. I guess it was done in a creative fashion, and certainly the author of it did spend some time looking in the dictionary or creating new terms. And I apologize to our transcriber, but I am going to put in the RECORD what we have to put up with in the Rules Committee.

“The term sexual orientation,” this proposed amendment said, “as used in this act, or any amendments made by this act, does not include apotemnophilia, asphyxophilia, autogynephilia, coprophilia, exhibitionism, fetishism, frotteurism, gerontosexuality, incest, kleptophilia, klismaphilia, necrophilia, partialism, pedophilia, sexual masochism, sexual sadism, telephone scatologia, touchermism, transgenderism, transsexual, transvestite, transvestic fetishism, urophilia, voyeurism, or zoophilia.”

All I can say is the late-night comedians need to come up there with me sometime so that they can get into the spirit of spuriousness that comes there on certain occasions.

This is serious business. Mr. Speaker, we can't legislate love, but we can legislate against hate. This legislation may not rid us of the intolerance and prejudices that continue to taint our society, but it will provide an added deterrent to those for whom these feelings manifest themselves into acts of violence. They will be fully aware that, should they commit a hate crime, there will be no lenience and they will not slip through the cracks of the American legal system.

Further, passage of this Hate Crimes bill will increase public education and awareness and encourage Americans to report hate crimes that all too often are silent.

Mr. Speaker, this bill addresses our resolve to end violence based on prejudice, and to guarantee that all Americans, regardless of race, color, religion, national origin, gender, sexual orientation, gender identity or disability—or all of these philiias and fetishes and isms that were put forward—need not live in fear because of who they are.

I urge my colleagues to vote in favor of this rule so that we continue to move this country toward fully achieving its promise of justice and liberty for all Americans.

I urge a “yes” vote on the previous question and on the rule.

Mr. MCGOVERN. Mr. Speaker, I stand in strong support of this rule and of the underlying legislation.

H.R. 1913, the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act allows for the Justice Department to assist local authorities, who are either unable or unwilling, with the investigation and prosecution of bias motivated crimes.

Hate crimes not only hurt victims and their families, but can impact a community or even an entire nation.

Perpetrators of violent hate crimes choose their victims based on an actual or perceived bias. It is a crime based on the victim's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

This bipartisan legislation empowers the Justice Department with the authority it needs to combat the prevalence of hate crimes in our communities. Since the FBI began collecting hate crimes data in 1991, bias motivated crimes against LGBT Americans has tripled;

though the federal government has not provided the necessary resources to stem this uptick.

The destructive nature of hate crimes permeates throughout our society, and if we refuse to address it, then we are refusing to provide for the public safety of all Americans.

Mr. Speaker, it's important to note that this legislation does not discriminate. All victims of hate crimes are protected by this bill: every race, every religion, every sexual orientation, every disability.

I'd also like to commend Chairman CONYERS and the Judiciary Committee for crafting a bill that provides both for the protection against hate crimes and for the protection of our constitutional right of free speech.

Nothing in this legislation allows for speech, violent or otherwise, to be prosecuted.

Hate crimes by definition must involve death or bodily injury. Speech alone cannot be prosecuted under this legislation.

However, violent hate crimes are not constitutionally protected rights, and this legislation is needed to help reduce the divisive and sometimes deadly effects they have on communities across our country.

This legislation boasts the diverse support of more than 300 law enforcement, civil rights, civic and religious organizations and individuals, including the American Civil Liberties Union.

Mr. Speaker, I'd like to remind my colleagues that victims of hate crimes are targeted for violence and suffered attacks because of who they are.

I'd like to tell you the story of Lisa Craig, a 35-year-old mother of two, from my own State of Massachusetts. In 2003, Craig was assaulted on the street by three teenage girls and kicked in the head multiple times, causing her brain to bleed and requiring 200 stitches in her head. Craig's partner and her two daughters witnessed the attack by these teenagers, who earlier in the evening had been shouting anti-gay epithets at the couple.

This story is just one of thousands across our country, and to prevent more from occurring, I encourage my colleagues to support this rule and the underlying legislation.

Mr. HASTINGS of Florida. I yield back the balance of my time, and I move the question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and suspending the rules and passing H.R. 46, if ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 181, not voting 17, as follows:

[Roll No. 219]

AYES—234

Abercrombie Adler (NJ) Andrews  
Ackerman Altmire Arcuri

Hare  
Harman  
Hastings (FL)  
Heinrich  
Herseht Sandlin  
Higgins  
Berman  
Himes  
Hinchev  
Hinojosa  
Hirono  
Hodes  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kind  
Kirkpatrick (AZ)  
Kissell  
Klein (FL)  
Kratovil  
Kucinich  
Langevin  
Larsen (WA)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maffei  
Maloney  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McMahon  
McNerney  
Meek (FL)  
Meeke (NY)  
Melancon  
Michaud  
Miller (NC)  
Miller, George  
Mitchell  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murtha  
Nadler (NY)  
Napolitano  
Neal (MA)  
Nye  
Oberstar

NOES—181

Bright  
Broun (GA)  
Brown (SC)  
Brown-Waite,  
Ginny  
Buchanan  
Burton (IN)  
Buyer  
Calvert  
Camp  
Campbell  
Cantor  
Cao  
Capito  
Carney  
Carter  
Cassidy  
Castle  
Chaffetz  
Childers  
Coble  
Coffman (CO)  
Cole  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dreier  
Duncan  
Emerson  
Fallin  
Flake  
Fleming  
Forbes  
Fortenberry  
Foxx

Obey  
Olver  
Ortiz  
Pallone  
Pascarell  
Pastor (AZ)  
Payne  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Polis (CO)  
Pomeroy  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Rodriguez  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schauer  
Schiff  
Schradler  
Schwartz  
Scott (GA)  
Scott (VA)  
Serrano  
Sestak  
Shea-Porter  
Sherman  
Shuler  
Sires  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Space  
Speier  
Spratt  
Stupak  
Sutton  
Tanner  
Tauscher  
Teague  
Thompson (CA)  
Tierney  
Titus  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Weiner  
Welch  
Wexler  
Wilson (OH)  
Woolsey  
Wu  
Yarmuth

Franks (AZ) Lummis Rogers (MI)  
 Frelinghuysen Lungren, Daniel Rohrbacher  
 Gallegly E. Rooney  
 Garrett (NJ) Mack Ros-Lehtinen  
 Gerlach Manzullo Roskam  
 Gingrey (GA) Marchant Ross  
 Gohmert McCaul Royce  
 Goodlatte McClintock Ryan (WI)  
 Graves McCotter Scalise  
 Guthrie McHenry Schmidt  
 Hall (TX) McHugh Schock  
 Harper McIntyre Sensenbrenner  
 Hastings (WA) McKeon Sessions  
 Heller McMorris Shadegg  
 Hensarling Rodgers  
 Herger Mica  
 Hill Miller (FL)  
 Hoekstra Miller (MI)  
 Hunter Miller, Gary  
 Inglis Minnick  
 Issa Moran (KS)  
 Jenkins Murphy, Tim  
 Johnson (IL) Myrick  
 Johnson, Sam Neugebauer  
 Jones Nunes  
 Jordan (OH) Olson  
 King (IA) Paul  
 King (NY) Paulsen  
 Kingston Pence  
 Kirk Petri  
 Kline (MN) Pitts  
 Lamborn Platts  
 Lance Poe (TX)  
 Latham Pospay  
 LaTourette Price (GA)  
 Latta Putnam  
 Lee (NY) Radanovich  
 Lewis (CA) Rehberg  
 Linder Reichert  
 LoBiondo Roe (TN)  
 Lucas Rogers (AL)  
 Luetkemeyer Rogers (KY)

The vote was taken by electronic device, and there were—ayes 234, noes 190, not voting 8, as follows:

[Roll No. 220]

AYES—234

Abercrombie Gutierrez Neal (MA)  
 Ackerman Hall (NY) Nye  
 Adler (NJ) Halvorson Oberstar  
 Altmire Hare Obey  
 Andrews Harman Oliver  
 Arcuri Hastings (FL) Ortiz  
 Baca Heinrich Pallone  
 Baird Herseht Sandlin Pascrell  
 Baldwin Higgins Pastor (AZ)  
 Bean Himes Payne  
 Becerra Hinchey Peters  
 Berkeley Hinojosa Peterson  
 Berman Hodes Pingree (ME)  
 Berry Holden Polis (CO)  
 Bishop (GA) Holt Pomeroy  
 Bishop (NY) Honda Price (NC)  
 Blumenauer Hoyer Quigley  
 Boccieri Inslee Rahall  
 Boswell Israel Rangel  
 Boucher Jackson (IL) Reyes  
 Boyd Jackson-Lee Richardson  
 Brady (PA) (TX) Rodriguez  
 Braley (IA) Johnson (GA) Rothman (NJ)  
 Bright Johnson, E. B. Roybal-Allard  
 Brown, Corrine Kagen Ruppertsberger  
 Capps Kanjorski Rush  
 Capuano Kaptur Ryan (OH)  
 Cardoza Kennedy Salazar  
 Carnahan Kildee Sanchez, Linda  
 Carson (IN) Kilpatrick (MI) T.  
 Castor (FL) Kilroy Sarbanes  
 Chandler Kind Schakowsky  
 Clarke Kirkpatrick (AZ) Schauer  
 Clay Kissell Schiff  
 Cleaver Klein (FL) Schrader  
 Clyburn Kosmas Schwartz  
 Cohen Kucinich Scott (GA)  
 Connolly (VA) Larginin Scott (VA)  
 Conyers Larsen (WA) Serrano  
 Cooper Larson (CT) Sestak  
 Costa Lee (CA) Shea-Porter  
 Costello Levin Sherman  
 Courtney Lewis (GA) Sires  
 Crowley Lipinski Skelton  
 Cuellar Loeb sack Slaughter  
 Cummings Lofgren, Zoe Smith (WA)  
 Dahlkemper Lowey Snyder  
 Davis (AL) Lujan Space  
 Davis (CA) Lynch Speier  
 Davis (IL) Maffei Spratt  
 DeFazio Maloney Stupak  
 DeGette Markey (CO) Sutton  
 Delahunt Markey (MA) Tanner  
 DeLauro Marshall Tauscher  
 Dicks Massa Teague  
 Dingell Matheson Thompson (CA)  
 Doggett Matsui Thompson (MS)  
 Doyle McCarthy (NY) Tierney  
 Driehaus McCollum Titus  
 Edwards (MD) McDermott Tonko  
 Edwards (TX) McGovern Towns  
 Ellison McMahon Tsongas  
 Engel McNerney Van Hollen  
 Eshoo Meeke (FL) Velazquez  
 Etheridge Meeke (NY) Walz  
 Farr Michaud Wasserman  
 Fattah Miller (NC) Schultz  
 Filner Miller, George Waters  
 Foster Mitchell Watson  
 Frank (MA) Mollohan Watt  
 Fudge Moore (KS) Weiner  
 Giffords Moore (WI) Welch  
 Gonzalez Moran (VA) Welxer  
 Gordon (TN) Murphy (CT) Wilson (OH)  
 Grayson Murphy, Patrick Woolsey  
 Green, Al Murtha Wu  
 Green, Gene Nadler (NY) Yarmuth  
 Grijalva Napolitano

Johnson (IL) Platts  
 Johnson, Sam Poe (TX)  
 Jones Posey  
 Jordan (OH) Price (GA)  
 King (IA) Putnam  
 King (NY) Radanovich  
 Childers Kingston Rehberg  
 Coble Kirk Reichert  
 Coffman (CO) Klime (MN) Roe (TN)  
 Cole Kratovil Rogers (AL)  
 Conaway Lamborn Rogers (KY)  
 Crenshaw Lance Rogers (MI)  
 Culberson Latham Rohrbacher  
 Davis (KY) LaTourette Rooney  
 Davis (TN) Latta Ros-Lehtinen  
 Deal (GA) Lee (NY) Roskam  
 Dent Lewis (CA) Ross  
 Diaz-Balart, L. Linder Royce  
 Diaz-Balart, M. LoBiondo Ryan (WI)  
 Donnelly (IN) Lucas  
 Dreier Luetkemeyer Scalise  
 Duncan Lumms Schmidt  
 Ehlers Lungren, Daniel Schock  
 Ellsworth E. Sensenbrenner  
 Emerson Mack Sessions  
 Fallin Manzullo Shadegg  
 Flake Marchant Shimkus  
 Fleming McCarthy (CA) Shuler  
 Forbes McCaul Shuster  
 Fortenberry McClintock Simpson  
 Fox McCotter Smith (NE)  
 Franks (AZ) McHenry Smith (NJ)  
 Frelinghuysen McHugh Smith (TX)  
 Gallegly McIntyre Souder  
 Garrett (NJ) McKeon Stearns  
 Gerlach McMorris Sullivan  
 Gingrey (GA) Rodgers Taylor  
 Gohmert Melancon Terry  
 Goodlatte Mica Thompson (PA)  
 Graves Miller (FL) Thornberry  
 Griffith Miller (MI) Tiahrt  
 Guthrie Miller, Gary Tiberi  
 Hall (TX) Minnick Turner  
 Harper Moran (KS) Upton  
 Hastings (WA) Murphy, Tim Walden  
 Heller Myrick Wamp  
 Hensarling Neugebauer Westmoreland  
 Herger Nunes Whitfield  
 Hill Olson Wilson (SC)  
 Hoekstra Paul Wittman  
 Hunter Paulsen Wolf  
 Inglis Pence Young (AK)  
 Issa Petri Young (FL)  
 Jenkins Pitts

NOT VOTING—17

Becerra Granger McCarthy (CA)  
 Boehner Gutierrez Perriello  
 Boucher Inslee Stark  
 Burgess Kilroy Thompson (MS)  
 Butterfield Kosmas Waxman  
 Ehlers Larson (CT)

□ 1348

Mr. BACHUS changed his vote from “aye” to “no.”

Ms. BEAN changed her vote from “no” to “aye.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:  
 Mr. LARSON. Mr. Speaker, on April 29, 2009, I missed the vote on ordering the previous question on H. Res. 372 (rollcall vote 219), providing for consideration of H.R. 1913, to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes. Had I been present, I would have voted “aye” for H. Res. 372.

Mr. BECERRA. Mr. Speaker, I was unavoidably detained earlier today and missed rollcall vote 219 on ordering the previous question on H. Res. 372, providing for consideration of H.R. 1913. If present, I would have voted “aye.”

Stated against:  
 Mr. EHLERS. Mr. Speaker, on rollcall No. 219, I was inadvertently detained. Had I been present, I would have voted “no.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. FOXX. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

NOES—190

Aderholt Bilirakis Brown (SC)  
 Akin Bishop (UT) Brown-Waite,  
 Alexander Blackburn Ginny  
 Austria Blunt Buchanan  
 Bachmann Bonner Burton (IN)  
 Bachus Bono Mack Buyer  
 Barrett (SC) Boozman Calvert  
 Bartlett Boren Camp  
 Barton (TX) Boustany Campbell  
 Biggert Brady (TX) Cantor  
 Bilbray Broun (GA) Cao

NOT VOTING—8

Boehner Granger Stark  
 Burgess Perlmutter Waxman  
 Butterfield Perriello

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
 The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1358

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,  
 Washington, DC, April 28, 2009.

Hon. NANCY PELOSI,  
 The Speaker, House of Representatives,  
 Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Todd D. Valentine and Mr. Stanley L. Zalen, Co-Executive Directors of the New York State Board of Elections, indicating that, according to the unofficial returns of the Special Election held March 31, 2009, the Honorable Scott Murphy was elected Representative to Congress for the Twentieth Congressional District, State of New York.

With best wishes, I am,  
Sincerely,

LORRAINE C. MILLER,  
*Clerk.*

Enclosure.

STATE BOARD OF ELECTIONS,  
Albany, NY, April 27, 2009.

Hon. LORRAINE C. MILLER,  
*Clerk, House of Representatives,*  
*The Capitol, Washington, DC.*

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Tuesday, March 31, 2009, for Representative in Congress from the Twentieth Congressional District of New York, show that Scott Murphy received 80,420 of the total number of votes cast for that office.

It would appear from these unofficial results that Scott Murphy was elected as Representative in Congress from the Twentieth Congressional District of New York.

As soon as the official results are certified to this office by the County Boards of Elections involved, an official Certificate of Election will be prepared for transmittal as required by law.

Very truly yours,

TODD D. VALENTINE,  
*Co-Executive Director.*  
STANLEY L. ZALEN,  
*Co-Executive Director.*

**SWEARING IN OF THE HONORABLE  
SCOTT MURPHY, OF NEW YORK,  
AS A MEMBER OF THE HOUSE**

Mr. RANGEL. Madam Speaker, I ask unanimous consent that the gentleman from New York, the Honorable SCOTT MURPHY, be permitted to take the oath of office today.

His certificate of election has not yet arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the New York delegation present themselves in the well.

Mr. MURPHY of New York appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 111th Congress.

**WELCOMING THE HONORABLE  
SCOTT MURPHY TO THE HOUSE  
OF REPRESENTATIVES**

The SPEAKER. Without objection, the gentleman from New York (Mr. RANGEL) is recognized for 1 minute.

There was no objection.

Mr. RANGEL. Madam Speaker, it is my great honor as the dean of the New York delegation to present to this honorable body the Honorable SCOTT MURPHY.

Quite frankly, the Nation has said this has been a victory of Democrats over Republicans. That's just not so. This is just one great American that found himself in a district that had more Republicans who saw and wanted the best for this country.

It is my great honor to present the Honorable SCOTT MURPHY of the 20th District of New York.

Mr. MURPHY of New York. Thank you, Chairman RANGEL. It's an honor to stand on this floor of this House and join the outstanding men and women of this 111th Congress. I look forward to getting to know all of you, to learning from you, and, most of all, working with you in the spirit of bipartisan cooperation that our challenges so desperately demand.

Upstate New Yorkers made clear to me that while the challenges we face as a country are some of the greatest we have ever known, they're not Democratic challenges, they're not Republican challenges. And as our President has said, this country is not as polarized as our politics would suggest.

So while we may disagree at times on issues, we must never forget that our goals are the same: to make sure that we have good jobs for our workers; to keep our families healthy and safe; to help our small businesses grow and prosper; to build a cleaner, independent energy future; and to make sure that our kids can find jobs so that they can stay near their families and in our communities like those all across Upstate New York.

I have dedicated my career to creating jobs and helping small businesses grow, working with people of all backgrounds and parties to solve complex challenges. Beginning today, I will fight to invest in the 21st century infrastructure that will create jobs and get our economy moving again.

There are so many people to thank for making this journey here today possible. First and foremost, the voters of the 20th District of New York. I'm humbled and honored by the faith and trust that they have placed in me, and I pledge to work every day to make their lives a little bit better and to live up to my ultimate job description of being their voice here in this House.

Now, the first person I would like to thank is the most important person in my world, my best friend, the love of my life, my wife, Jen, who is up in the audience here. Without her encouragement and support, I never would have tried this and would never have been successful.

I also want to thank my kids, Simone and Lux, who are down here on the floor with me, and my son Duke. Their curiosity and energy inspires me every day and reminds me and reminds all of us that we are here fighting for a

brighter future for them and all of America's children.

I also want to thank my dad. And I am a very lucky man, I have my grandparents here with me today. I want to thank them and my mom, who is not around anymore, for teaching me the lessons of hard work and thriftiness and compassion that allowed me to achieve what I have in life and to join this body.

And I want to say thanks to the family and friends that have made the trip down from New York. Many of you have heard I've got a huge family. We have got 57 people in our immediate family. At least half of them are up here in the gallery. So thank you all very much for being here and for all your support.

And I want to say thanks to Speaker PELOSI for your wonderful leadership and to the rest of the leadership team: the majority leader, STENY HOYER; Caucus Chairman LARSON; Whip CLYBURN; Chairman VAN HOLLEN, who have all been very helpful in putting this all together, and I couldn't have gotten here without your help. So thank you very much.

A special thanks to Senator GILLIBRAND, who made this opportunity possible and who did an amazing job representing the families of Upstate New York, and I heard that consistently on the campaign trail. So thanks for your support and your wonderful work on behalf of our district.

I also want to say thanks to President Obama and Vice President BIDEN for their excellent leadership. And I look forward to working with them and all the Members of this body to make sure that we get the stimulus money, the economic recovery money out and make sure it's as effective as it can possibly be in impacting our communities and getting this economy moving.

Thanks also to the outstanding New York delegation that was so excited and helpful in this race. I am looking forward to working on behalf of a brighter New York with so many other Members from our fine State.

I want to say thanks to all the other leaders that were helpful, Governor Paterson and Senator SCHUMER and all the volunteers and staff, and particularly the excellent staff that I had that are here that did so much on our behalf for this campaign. So thank you to everyone who was involved.

As I began serving the people of Upstate New York, I pledged to work with each and every Member of this body to put people back to work, to take care of the taxpayers of today and of tomorrow, and to give our kids a 21st century education, and, most of all, to summon the true spirit of cooperation that it will take to make sure that America's brightest days are still ahead of us. Thank you.

**ANNOUNCEMENT BY THE SPEAKER**

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the

House that, in light of the administration of the oath of office to the gentleman from New York (Mr. MURPHY), the whole number of the House is 434.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PAS-TOR of Arizona). Without objection, 5-minute voting will continue.

There was no objection.

#### FAMILY SELF-SUFFICIENCY ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 46.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 46.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

#### RECORDED VOTE

Mr. RANGEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 397, noes 19, not voting 17, as follows:

[Roll No. 221]

AYES—397

Abercrombie	Brown, Corrine	Davis (TN)
Ackerman	Brown-Waite,	Deal (GA)
Aderholt	Ginny	DeFazio
Adler (NJ)	Buchanan	DeGette
Akin	Burton (IN)	Delahunt
Alexander	Buyer	DeLauro
Altmire	Calvert	Dent
Andrews	Cantor	Diaz-Balart, M.
Arcuri	Cao	Dingell
Austria	Capito	Doggett
Baca	Capps	Donnelly (IN)
Bachmann	Capuano	Dreier
Baird	Cardoza	Driehaus
Baldwin	Carnahan	Edwards (MD)
Barrett (SC)	Carney	Edwards (TX)
Barrow	Carson (IN)	Ehlers
Bartlett	Carter	Ellison
Barton (TX)	Castle	Ellsworth
Bean	Castor (FL)	Emerson
Becerra	Chaffetz	Engel
Berkley	Chandler	Eshoo
Berman	Childers	Etheridge
Berry	Clarke	Fallin
Biggart	Clay	Farr
Bilbray	Cleaver	Fattah
Bilirakis	Clyburn	Finer
Bishop (NY)	Coble	Fleming
Bishop (UT)	Coffman (CO)	Forbes
Blackburn	Cohen	Fortenberry
Blumenauer	Cole	Foster
Bocieri	Conaway	Fox
Boehner	Connolly (VA)	Frank (MA)
Bonner	Conyers	Franks (AZ)
Bono Mack	Cooper	Frelinghuysen
Boozman	Costa	Fudge
Boren	Costello	Galleghy
Boswell	Courtney	Garrett (NJ)
Boucher	Crenshaw	Gerlach
Boustany	Crowley	Giffords
Boyd	Cuellar	Gingrey (GA)
Brady (PA)	Dahlkemper	Gonzalez
Brady (TX)	Davis (AL)	Gordon (TN)
Braley (IA)	Davis (CA)	Grayson
Bright	Davis (IL)	Green, Al
Brown (SC)	Davis (KY)	Green, Gene

Griffith	Marchant
Grijalva	Markey (CO)
Guthrie	Markey (MA)
Gutierrez	Marshall
Hall (NY)	Massa
Hall (TX)	Matheson
Halvorson	Matsui
Hare	McCarthy (CA)
Harman	McCarthy (NY)
Harper	McCaul
Hastings (FL)	McClintock
Hastings (WA)	McCollum
Heinrich	McCotter
Heller	McDermott
Hensarling	McGovern
Hergert	McHenry
Herseth Sandlin	McHugh
Higgins	McIntyre
Hill	McKeon
Himes	McMahon
Hinchey	McMorris
Hinojosa	Rodgers
Hirono	McNerney
Hodes	Meek (FL)
Hoekstra	Meeke (NY)
Holden	Melancon
Holt	Mica
Honda	Michaud
Hoyer	Miller (FL)
Hunter	Miller (MI)
Inglis	Miller (NC)
Inslee	Miller, Gary
Israel	Miller, George
Issa	Minnick
Jackson (IL)	Mitchell
Jackson-Lee	Mollohan
(TX)	Moore (KS)
Jenkins	Moore (WI)
Johnson (GA)	Moran (KS)
Johnson (IL)	Moran (VA)
Johnson, E. B.	Murphy (CT)
Johnson, Sam	Murphy (NY)
Jones	Murphy, Patrick
Jordan (OH)	Murphy, Tim
Kagen	Murtha
Kanjorski	Myrick
Kaptur	Nadler (NY)
Kennedy	Napolitano
Kildee	Neal (MA)
Kilpatrick (MI)	Neugebauer
Kilroy	Nunes
Kind	Oberstar
King (IA)	Olson
King (NY)	Oliver
Kirk	Ortiz
Kirkpatrick (AZ)	Pallone
Kissell	Pascarell
Klein (FL)	Pastor (AZ)
Kline (MN)	Paulsen
Kosmas	Payne
Kratovil	Pence
Kucinich	Perlmutter
Lamborn	Peters
Lance	Peterson
Langevin	Petri
Larson (CT)	Pingree (ME)
Latham	Platts
LaTourette	Poe (TX)
Latta	Polis (CO)
Lee (CA)	Pomeroy
Lee (NY)	Posey
Levin	Price (GA)
Lewis (CA)	Price (NC)
Lewis (GA)	Putnam
Lipinski	Quigley
LoBiondo	Radanovich
Loeb sack	Rahall
Loftgren, Zoe	Rangel
Lowey	Rehberg
Lucas	Reichert
Luetkemeyer	Reyes
Lujan	Richardson
Lummis	Rodriguez
Lungren, Daniel	Roe (TN)
E.	Rogers (AL)
Lynch	Rogers (MI)
Mack	Rohrabacher
Maffei	Rooney
Maloney	Ros-Lehtinen
Manzullo	

#### NOES—19

Blunt	Flake
Brown (GA)	Gohmert
Camp	Goodlatte
Campbell	Graves
Cassidy	Kingston
Culberson	Pitts
Duncan	Rogers (KY)

Roskam	NOT VOTING—17
Ross	Bachus
Rothman (NJ)	Bishop (GA)
Roybal-Allard	Burgess
Ruppersberger	Butterfield
Rush	Cummins
Ryan (OH)	Diaz-Balart, L.
Ryan (WI)	Dicks
Salazar	Doyle
Sanchez, Linda	Granger
T.	Larsen (WA)
Sanchez, Loretta	Linder
Sarbanes	Nye
Schakowsky	
Schauer	
Schiff	
Schmidt	
Schock	
Schrader	
Schwartz	
Scott (GA)	
Scott (VA)	
Sensenbrenner	
Serrano	
Sestak	
Shea-Porter	
Sherman	
Shimkus	
Shuler	
Shuster	
Simpson	
Sires	
Skelton	
Slaughter	
Smith (NJ)	
Smith (TX)	
Smith (WA)	
Snyder	
Souder	
Space	
Speier	
Spratt	
Stupak	
Sullivan	
Sutton	
Tanner	
Tauscher	
Taylor	
Teague	
Terry	
Thompson (CA)	
Thompson (MS)	
Thompson (PA)	
Thornberry	
Tiahrt	
Tiberi	
Tierney	
Titus	
Tonko	
Towns	
Tsongas	
Turner	
Upton	
Van Hollen	
Velázquez	
Visclosky	
Walden	
Walz	
Wamp	
Wasserman	
Schultz	
Waters	
Watson	
Watt	
Waxman	
Weiner	
Welch	
Wexler	
Whitfield	
Wilson (OH)	
Wilson (SC)	
Wittman	
Wolf	
Woolsey	
Wu	
Yarmuth	
Young (AK)	
Young (FL)	

□ 1421

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

Mr. CONYERS. Mr. Speaker, pursuant to the rule, I call up the bill (H.R. 1913) to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

The SPEAKER pro tempore. Pursuant to House Resolution 372, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 111-91, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

#### H.R. 1913

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Local Law Enforcement Hate Crimes Prevention Act of 2009".*

#### SEC. 2. DEFINITION OF HATE CRIME.

*In this Act—*

(1) the term "crime of violence" has the meaning given that term in section 16, title 18, United States Code;

(2) the term "hate crime" has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term "local" means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

#### SEC. 3. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of a State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

## (b) GRANTS.—

(1) *IN GENERAL.*—The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) *OFFICE OF JUSTICE PROGRAMS.*—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

## (3) APPLICATION.—

(A) *IN GENERAL.*—Each State, local, or tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) *DATE FOR SUBMISSION.*—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) *REQUIREMENTS.*—A State, local, or tribal law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, or tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental violence recovery service programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) *DEADLINE.*—An application for a grant under this subsection shall be approved or denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) *GRANT AMOUNT.*—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction in any 1-year period.

(6) *REPORT.*—Not later than December 31, 2011, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) *AUTHORIZATION OF APPROPRIATIONS.*—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2010 and 2011.

**SEC. 4. GRANT PROGRAM.**

(a) *AUTHORITY TO AWARD GRANTS.*—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated such sums as may be necessary to carry out this section.

**SEC. 5. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.**

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2010, 2011, and 2012, such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18,

United States Code, as added by section 7 of this Act.

**SEC. 6. PROHIBITION OF CERTAIN HATE CRIME ACTS.**

(a) *IN GENERAL.*—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

**“§249. Hate crime acts**

“(a) *IN GENERAL.*—

“(1) *OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.*—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

“(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) *OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.*—

“(A) *IN GENERAL.*—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(I) death results from the offense; or

“(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) *CIRCUMSTANCES DESCRIBED.*—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(iii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iv) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(v) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(3) *ADDITIONAL FEDERAL NEXUS FOR OFFENSE.*—Whoever, in the special maritime or territorial jurisdiction of the United States, or in Indian country, engages in conduct described in paragraph (1) or in paragraph (2)(A) (without regard to whether that conduct occurred in a circumstance described in paragraph (2)(B))

shall be subject to the same penalties as those provided for offenses under those paragraphs.

“(b) *CERTIFICATION REQUIREMENT.*—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

“(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

“(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

“(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the State does not object to the Federal Government assuming jurisdiction; or

“(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

“(c) *DEFINITIONS.*—

“(1) In this section—

“(A) the term ‘explosive or incendiary device’ has the meaning given such term in section 232 of this title;

“(B) the term ‘firearm’ has the meaning given such term in section 921(a) of this title; and

“(C) the term ‘State’ includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

“(2) For the purposes of this chapter, the term ‘gender identity’ means actual or perceived gender-related characteristics.

“(d) *STATUTE OF LIMITATIONS.*—

“(1) *OFFENSES NOT RESULTING IN DEATH.*—Except as provided in paragraph (2), no person shall be prosecuted, tried, or punished for any offense under this section unless the indictment for such offense is found, or the information for such offense is instituted, not later than 7 years after the date on which the offense was committed.

“(2) *DEATH RESULTING OFFENSES.*—An indictment or information alleging that an offense under this section resulted in death may be found or instituted as any time without limitation.

“(e) *RULE OF EVIDENCE.*—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.”

(b) *TECHNICAL AND CONFORMING AMENDMENT.*—The table of sections at the beginning of chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

“249. Hate crime acts.”

**SEC. 7. SEVERABILITY.**

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

**SEC. 8. RULE OF CONSTRUCTION.**

Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by, the Constitution.

The SPEAKER pro tempore. Debate shall not exceed 1 hour and 20 minutes,

equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, each of whom may yield control of blocks of that time.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 40 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to yield control of 10 minutes of the debate to the gentleman from Illinois, Mr. MARK KIRK.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Members of the House, the measure before us enables the Department of Justice to come to the aid of State and local law enforcement agencies in investigating and prosecuting bias-based brutality and helping defer the costs when they overwhelm State and local resources. And when necessary—and if approved by the highest, Senate-confirmed Department officials—it authorizes the Department to step in and prosecute at the Federal level.

What we are doing here today is expanding existing Federal hate crimes law beyond the confines of protecting access to a limited set of specified protected activities. What we do is add to the current list of group characteristics deservedly recognized for protection, the reason being due to their being well-known targets for bias-based violence. So we add new ones that also clearly belong on the list, and this is after careful scrutiny and hearings on this issue—they are sexual orientation, gender, gender identity, and disability.

These crimes of violence are directed not just at those who are directly attacked; they are targeting the entire group with the threat of violence. So the groups in the bill differ from other groups that some have been trying to add on—and I understand some of their reasons for that—but which do not share the same kind of history of being targeted over a period of time for hate-based violence.

Our approach is consistent with the judgment made by the States that have hate crimes laws—45 of them. They have made the same judgment as we have made for Federal law, that these many other groups should be protected elsewhere in the law, not in hate crimes law.

I close by reminding Members that under Lyndon Johnson in 1968 we first

started the hate crimes bill under the church arson bill. The President called us into the White House with the governors of southern States to advise them that the burning of churches, the arson, the cross burnings were so out of control in many States that there was no other remedy except by Federal statute. The Federal Government would have to be authorized to intercede where they invited them to do so. From that has grown this bill, based on law that has been tested in the Supreme Court and many other lower courts.

And so we come before you with a bill that does not encroach upon the First Amendment, or the Fourth Amendment, or the part of the Constitution that leaves all other powers to the States. I urge your continued careful consideration of it.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every year thousands of violent crimes are committed out of hate, but just as many violent crimes, if not more, are motivated by something other than hate—greed, jealousy, desperation or revenge, just to name a few. An individual's motivation for committing a violent crime is usually complex and often speculative.

Every violent crime is deplorable, regardless of its motivation. Every violent crime can be devastating, not only to the victim and their family, but also to the larger community whose sense of safety has been violated. That's why all violent crimes should be vigorously prosecuted.

Unfortunately, this bill undermines one of the most basic principles of our criminal justice system—equal justice for all. Under this bill, justice will no longer be equal. Justice will now depend on the race, gender, sexual orientation, disability or other protected status of the victim. It will allow different penalties to be imposed for the same crime. This is the real injustice.

One of the most troublesome aspects of this bill is that it divides America. It divides America by race, again, gender, sexual orientation, disability, or other status. We should focus on the opposite, uniting America, not dividing our country.

The bill also could have a chilling effect on the words of religious leaders or members of religious groups. For example, religious individuals who feel strongly about some values may hesitate to discuss their personal beliefs about homosexuality or gay marriage for fear of criminal investigation.

Some of my colleagues on the other side claim that the bill protects religious speech. But religious leaders could still be subjected to criminal investigations and be reluctant to preach the teachings of their faith as a result of this bill.

In addition, the bill itself is probably unconstitutional and will be struck down by the courts. There is little evi-

dence to support the claim that hate crimes impact interstate or foreign commerce, an important consideration for any Federal court reviewing the constitutionality of this legislation.

In 2000, the Supreme Court in *United States v. Morrison* struck down a prohibition on gender-motivated violence. In that case the court specifically warned Congress that the commerce clause does not extend to “non-economic, violent criminal conduct” that does not cross State lines.

□ 1430

Nor is the proposed legislation authorized under the 14th and 15th Amendments. Those amendments extend only to State action and do not cover the actions of private persons who commit violent crimes.

While the 13th Amendment reaches private action such as individual criminal conduct, it is difficult to argue that one's religion or national origin constitutes a “badge” or “incident” of slavery, the subject of the 13th Amendment.

Also this bill purports to federalize crimes that are being successfully prosecuted by our States and local governments. Furthermore, FBI statistics show that the incidence of so-called hate crimes has actually declined and substantially declined over the last 10 years. In 2007, for example, of the approximately 17,000 homicides that occurred in the U.S., only nine of the 17,000 murders were determined to be motivated by bias.

This legislation blurs the lines between violent belief, which is constitutionally protected, and violent action, which is not. If we go down this road, where does it end? With speech monitors and thought police?

I urge my colleagues to oppose the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. KIRK. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of this bill and would recognize the work of President Bush 19 years ago when he signed the first hate crimes information bill into law. That law allowed us to collect data showing two hate crimes in my district, 191 in the State of Illinois, and 7,600 in America.

This legislation is backed by the National Sheriffs' Association, the International Association of Chiefs of Police, the National District Attorneys Association, and 26 State Attorneys General.

Much of this bill may not have been needed in the earlier days of our country when we were, frankly, much less diverse. But unlike those earlier times, we have now built the freest country on Earth, with the largest economy and also the most diverse population.

This bill provides Federal help to fight violent crime. It can be important, especially to suburban police departments like Palatine, Illinois, that could be overwhelmed as two groups

squared off, overwhelming the resources of a small suburban police department.

While this bill does provide modest Federal support to help preserve order against violent crime, in my heart I support this bill for a different reason. We have witnessed diverse societies in other countries crack up and go through much pain and anguish and suffering when one group attacks another simply because of their membership or identity.

In the United States military, I saw this most clearly in Bosnia and Kosovo. Part of the modern Yugoslavia, well-entrenched in Western European values, they thought their diverse society would always remain calm and peaceful with different groups relating to one another. In those societies, the arrogance of that idea was laid bare and the countries cracked up and we saw the darkest part of the human heart open, only a few hundred miles from the capitals of Europe where we draw our own cultural heritage. It would be the height of arrogance to say something like this could never happen in the United States of America, and it is the job of this Congress to make sure that never happens.

We see violence in other countries, like in Mexico, attempt to come across into this country. We see various groups try to bring their struggles from Asia or the Middle East to the United States. Our job is to make sure not just big city police departments, but also suburban and rural police departments, have what they need to quickly respond and make sure that a kind of identity violence that has plagued so many other countries who may have thought that they were immune can never come to our shores.

If this bill in any way tried to interfere with the First Amendment or other speech of this country, I would not support it. But, instead it is directed against violent crime, and that is why I support it.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), a former chairman of the Judiciary Committee and now the ranking member of the Constitution Subcommittee.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to this bill. The motivation behind this bill is extremely well-intentioned. We should punish violent crime. We should punish violent crime where the animus is motivated by hate against an individual or against a group because of characteristics that they may have.

But this is the wrong way to go about it. What we should be doing is we should be insisting on sentence enhancements for those who are convicted of a violent crime, a murder, an aggravated battery, a simple battery, an assault. The reason we should do it that way is that way we make sure that those who are guilty of a violent crime which is motivated by hate

against an individual or a group to which he belongs gets punished more severely.

What can happen under this bill by setting up a separate hate crime is that someone could be indicted for the violent crime and the hate crime simultaneously. At the first trial, the person is acquitted of the violent crime, and at the second trial the person is convicted of the hate crime, meaning what the defendant says during the commission of that crime. And that ends up criminalizing free speech, because the actual act of violence the jury determined that the defendant was not guilty, but because of what the defendant said during the commission of the crime aimed at the victim, the person is convicted of saying that.

That is where we have the First Amendment slippery slope. And I think if this ever happens, you will find this bill declared to be unconstitutional as a violation of the First Amendment in the blink of an eye.

Now, I know that there are a lot of groups that are strongly in favor of this type of legislation. One of our jobs here in the Congress of the United States, and particularly on the Judiciary Committee, is to make sure that what we consider and what we ask the House of Representatives to pass is well thought out and does not have this glaring gap that I have just described.

I would hope that my friends on the other side of the aisle who have been pushing this legislation would stop and think about what happens to this legislation if a defendant is acquitted of the crime of violence and then convicted for what that person says while committing the crime for which he was acquitted. Please think about that and come back with sentence enhancements, because that is the way to deal with this problem, not this bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished majority leader, himself a longtime member of the bar and a supporter of civil rights, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding.

I am pleased to follow the distinguished gentleman who just spoke because what he said was he agrees with the objectives of this legislation. One could argue, I suppose, about the means, but really it is the objective that is the most important, and the objective is to in this country make a statement that violence against individuals because of the group of which they are a member or their nationality or their race or their religion or their sexual orientation, whatever the distinction might be, we in America have said that we believe all people ought to be treated equal.

This legislation, the Local Law Enforcement Hate Crimes Prevention Act, is a powerful statement, I suggest to you, of some of our most important American values. Mr. KIRK spoke of those just a little earlier; tolerance, re-

spect for differences, and accountability for those who are driven to violence by hate.

I disagree with my friend from Illinois when he said perhaps we didn't need this earlier in our history. Yes, we have become more diverse, but in our early history, those whose skin was black were subjected to violence not because of their character, not because of anything they had done, but because of the fact that their skin was black, and because violence was visited against them, all who were similarly situated were put in fear. That is why this crime is different from simply violence animated, as the distinguished ranking member indicated, so many of our crimes are. He is right. But this is a particular character of crime that not only puts the victim at risk, but puts all members of the group to which that victim belongs at risk and at fear.

This bill allows us to expand the existing Federal hate crimes law, which was enacted nearly 40 years ago, and, as was pointed out, was signed by one of our previous Republican presidents. Under existing law, Federal jurisdiction over hate crime is limited to those acts directed at individuals on the basis of race, religion, color or national origin, and only when the victim is targeted because he or she is engaged in a federally protected activity, such as voting.

My friends, if America stands for anything, it stands for equality under the law; of inclusion; of not making arbitrary and capricious distinctions based on factors other than American citizenship, endowed by their Creator with certain unalienable rights, and among these are life, liberty and the pursuit of happiness.

What hate crimes do is to put that at risk. What hate crimes do is adopt the premise that somehow there are some citizens less than the rest of us because of the group to which they belong.

That is what this bill is all about, the basic fundamental tenet of America that all men and women are created equal. God does not see the distinctions sometimes that we see, arbitrary, capricious, and, yes, tragically sometimes hateful, that then lead to violence and injury and death.

This legislation broadens this provision to cover all violent crimes motivated by race, religion or national origin, as I said. It also expands current law to prohibit the same conduct when motivated on the basis of a victim's gender, sexual orientation, gender identity or disability.

"All men and women." No parentheses, "except . . .", no comma, "not these . . .", no further comma, "but we don't mean these Americans . . .". "All," our Constitution and Declaration of Independence say. The principle is the same. Hate crimes sow fear and division in our communities, no matter what group is targeted.

Expanding the protections of the law responds to the reality in America today. For instance, hate crimes motivated by sexual orientation are almost

as equally common as hate crimes motivated by religion. The gentleman from Illinois suggests there are less crimes, and we are pleased about that, but one is too many.

This bill would also allow the Federal Government to provide assistance to State and local law enforcement officials to investigate and prosecute hate crimes. Why? Because it is not simply a local threat. It is a threat to all Americans everywhere in every State if the group to which they belong, the distinction that is made because they are in that group is applied because of that membership. It clarifies the conditions under which such crimes would be federally investigated and prosecuted.

I have spoken to why this legislation is necessary, because hate crimes motivated by race, religion, national origin, gender, sexual orientation and identify or disability not only injure individual victims, as I have said, but also terrorize entire segments of our population and tear at our Nation's social fabric.

That is why this legislation, in my view, is so fundamental to what America is and means to our own citizens and to people around the world. This legislation does not affect, does not affect, does not affect free speech. It is actions, not speech, that is the object of this legislation.

□ 1445

It only seeks to punish violent acts. Enacting these important additions to current law will send a very powerful message. Crimes committed against any American, simply because of who he or she is, are a threat to all Americans and will be dealt with as such.

I urge my colleagues to support this legislation because it embodies the essential American values of tolerance, equality and justice.

I congratulate the chairman for his leadership. I thank the ranking member, notwithstanding his disagreement on this issue, for facilitating this bill coming to the floor.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE), who is the vice ranking member of the Judiciary Committee.

Mr. GOODLATTE. Mr. Speaker, we all agree that every violent crime is deplorable, despicable, regardless of its motivation and regardless of who the victim is. However, this bill, no matter how well-intended, undermines basic principles of our criminal justice system and raises significant constitutional and federalism concerns.

Under the provisions of H.R. 1913, justice will no longer be equal but will depend on the race, sex, sexual orientation, disability or other protected status of the victim. In my view, all victims should have equal worth in the eyes of the law.

Why should other groups like senior citizens, veterans, children and pregnant women not also receive the added protections under this bill?

The distinguished majority leader says that this is not about thought crime; it's about conduct. But the fact of the matter is that the identical crime, be it a murder, a rape, an assault, a battery, whatever it might be, conducted against one of the protected classes will receive additional penalties, compared to that pregnant woman or senior citizen or veteran or child, simply based upon the thought process of the perpetrator of the crime. Every victim is entitled to the same fair treatment under the law.

This will have a chilling effect on citizens' willingness to speak freely, as citizens will adapt to a new world where the Federal Government can use any unpopular statements they make against them in the future.

The bill raises the real possibility that religious leaders or members of religious groups could be criminally prosecuted based on their speech or protected activities. No one should be put in fear that their constitutionally protected free speech about controversial issues will be subject to efforts by prosecutors attempting to link that speech to violent action taken by others.

There is no evidence that States are not fully prosecuting violent crimes involving hate. In fact, 45 States and the District of Columbia already have specific laws punishing hate crimes.

I abhor acts of violence against any citizen, including crimes motivated by bias against certain groups, and I believe that such crimes should be punished to the fullest extent of the law. However, this legislation gives special preferences to certain classes of citizens and would create a chilling effect on one of our most cherished constitutional rights.

I urge my colleagues to reject this legislation.

Mr. KIRK. I would now like to yield 3 minutes to the gentleman from Louisiana (Mr. CAO).

Mr. CAO. Mr. Speaker, I rise today in support of H.R. 1913, the Local Law Enforcement Hate Crimes Act.

The sharp increase in crimes in Orleans and Jefferson Parishes since Hurricane Katrina is on the minds of my constituents in every corner of our district. Because of this serious matter, I am focused on giving our law enforcement officials the tools they need to fight crime and return safety to our streets.

All violent criminals must be fully prosecuted. Crimes committed against individuals based upon their actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability are particularly insidious.

This is a Nation of acceptance, where every individual is protected by the Constitution. This promise enables them to pursue their dreams free of persecution and attack. I, as a minority, am acutely aware of freedoms and protections offered by the laws of this land and what is expected of my fellow citizens.

The provisions of this bill will assist prosecutors in enforcing the rights guaranteed by the Constitution. It allows law enforcement officials to hold those committing violent crimes accountable for their actions. This is what this bill does.

What this bill does not do is restrict free speech. Freedom of speech and freedom of association guaranteed by the first amendment are respected by the language of this bill. Despite concerns to the contrary, this bill will not subject anyone to prosecution of what they think, say or preach.

Mr. Speaker, I am supporting this bill because hate crimes are an assault on a person's dignity and humanity. They represent a type of behavior that has no place in our dignified society, and it is our responsibility to enable prosecution of these heinous crimes to the fullest extent of the law.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. FORBES), a member of the Judiciary Committee and a former ranking member of the Crime Subcommittee.

Mr. FORBES. Mr. Speaker, I'm not going to pound the podium or yell and scream about this legislation, but I'd just say to the Speaker that sometimes all the spin that we hear in here about a particular piece of legislation during debate, or sometimes our getting down into the specifics of the semantics of the legislation or arguing about what the courts say it will or will not do, causes us to do what the average citizen at home does not do, and that is to miss the common sense and the rightness of a piece of legislation.

The distinguished majority leader came to the floor a while ago and stated two principles: that all people ought to be treated equally, and if America stands for anything, it stands for equality under the law. And that's what this legislation does not do.

Mr. Speaker, just a short time ago there was a pageant in the United States, the Miss USA pageant. One of the contestants, Ms. California, went up there, and she was asked a question by one of the judges, who is an openly gay judge, about her beliefs in marriage. And she stated what her beliefs were. That judge lambasted her over and over again in blogs, calling her the most vile names, spewing out hostility and hate, and even made the statement that if she had won, he would have stormed on the stage and snatched the tiara off her head. And other bloggers who had his same orientation and, therefore, were driven to the same hatred of this young girl, had similar things in their blogs.

Had he done that, had he done what he said he would do and stormed that stage and pulled that tiara off her head and had bodily harmed when he did it, there would not have been 1 ounce of protection under this piece of legislation for that young girl.

But after he did it, if she had, in response, made a statement back about

the very sexual orientation that had led him to his hatred and dislike for her, and if she had responded by slapping him or any physical injury, she would have had the potential of a 10-year Federal piece of legislation coming against her.

If her father, sitting in the audience, had gone on that stage to stop this kind of hatred and orientation that drove him to have this feeling against that young girl and he had made a statement and he had responded with any kind of physical action, he could have had a 10-year Federal piece of legislation that would have come against him.

And, Mr. Speaker, I know you have the votes for this legislation. I know you have the resources to drive the message and you have the media to do it, but the weight of all that combined can't do one solitary thing, and that is make this piece of legislation right, and that's why I'll vote against it.

Mr. CONYERS. I yield 2 minutes to the chairman of the Constitution Committee on the Judiciary Committee, JERRY NADLER of New York.

Mr. NADLER of New York. Mr. Speaker, this House faces a historic test. Will we act decisively to deal with some of the most destructive crimes in our society, violent assaults against victims who are singled out solely because someone doesn't like who they are?

Whether committed because of the actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity or disability of the victim, these violent acts are particularly reprehensible because they target not just an individual but an entire group. These crimes do, and are often intended to, spread terror among all members of the group. They're intended to say to members of a group, don't be who you are. Don't go where you're not wanted. Do not exercise your civil rights to be yourself, to speak publicly, to go wherever you want.

This bill enables the Federal Government to intervene, so as to punish such crimes and protect the rights of individuals and of groups unpopular in some quarters.

Do not believe the scare tactics. This bill does not criminalize thoughts or speech. No one will be prosecuted because of what they say or think. No preacher need worry about a sermon. Only crimes of violence are punishable under this bill.

The law routinely looks to the motivation behind a criminal act and treats the more heinous of them differently. Manslaughter is different from premeditated murder, which is different from a contract killing. We punish crimes differently if they are terrorist acts, defined as violent crimes that "appear to be intended to intimidate or coerce the civilian population."

Existing civil rights laws take a similar approach. A person who uses force to interfere with someone's feder-

ally protected rights such as voting, working, attending school and the like, commits a Federal crime. And that's been the law for many years. We treat an act of violence more seriously if the intent is to deny someone his or her civil rights.

The only question this bill presents to Members is whether we believe people assaulted violently because of their identity deserve Federal protection.

For many years Congress refused to adopt antilynching laws. Those were not proud times in our Nation's history. We now have the opportunity to do the right thing. I hope we do.

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Mr. Speaker, it comes down to this: Free societies punish acts. Authoritarian regimes punish opinions and thoughts.

Now, the supporters of this bill speak of punishing violent acts, but we already punish those violent acts, as well we should. This measure calls for additional punishment, not for the violent act, but for the opinion behind the act.

Before we embarked down this path, the opinions of the criminal were irrelevant. It was the act that we punished. Many civil libertarians warned us then that if we place in the hands of government the ability to define what opinions it likes and doesn't like, and then to punish those opinions on top of the acts themselves, then we've started down a very dangerous and slippery slope.

That opinion, I think, was clearly illustrated when the committee voted down an amendment to include veterans, for example, under these protections under the hate crimes law. Now, the supporters of this measure made it very clear that they're actively involved in singling out particular opinions with special protection and for special prosecution.

Mr. CONYERS. I am pleased now to recognize a senior member of the House Judiciary Committee, the gentlelady from Texas, SHEILA JACKSON-LEE, for 2 minutes.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank you for your leadership and your persistence, and I thank my good friends for this vigorous debate.

I almost don't know where to start. But again, I would like to emphasize to my friends and colleagues what this legislation is about. It is about the assistance and the ability to help States in their prosecution of heinous hate crimes. And, as a very championed citizen of the State of Texas, I hesitate to make ourselves a poster child.

□ 1500

But having lived through the heinous crime of the dismemberment of James Byrd, I cannot help relating this legislation to what is real.

This will not bring down injustice on a person of faith who chooses to go into their pulpit or stand on a street corner and say that the wrath of the person they believe in will come down on those who practice lifestyles that they don't agree with, or a certain race or religion. They will go even further by saying the sword of justice, the sword of the Lord will come down and slay you.

That is not what this bill is about, but it is about individuals who would attack a person of color—in this instance, an African American male—in the dark of night, tie him to a pickup truck, and drag his human, alive body through the streets of Jasper, Texas. When they were finished, he was dismembered, his arms and legs and head were left along the bloody road. It was this heinous crime that led a State like Texas to pass its own hate crimes bill. But yet, hate crimes have gone on since that time, and State legislatures have noted, why haven't these cases been tried in this State?

This bill will help those instances.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. POE), a former judge and now the deputy ranking member of the Crime Subcommittee.

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Speaker, in a courthouse in Houston, Texas, where I worked 8 years as a prosecutor and 22 as a judge, there is a statement that says, "Equal justice for all." I guess now we need to change that, but to the phrase, "but more justice for some."

This bill makes some victims more important than other victims. If someone is in a legislated protected class—as this bill does—and a crime is committed against them, the defendant is treated harsher than if the crime is committed against a victim in a non-protected class. This legislation discriminates against victims that are not special people. It reminds me of the satire in the book "Animal Farm" where it says, "all animals are equal, but some animals are more equal than others." Likewise, this bill makes some victims of crime more equal than others. In my opinion, that denies non-special victims equal protection under the law, according to the 14th Amendment of the Constitution.

The question is, is it fair to treat some victims of crime better under our law than other people who are not special? This bill makes classes of victims; first-class victims and second-class victims.

No question about it, Mr. Speaker, motive for a crime has always been admissible in a court of law. In my experience at the courthouse, courts and juries nail offenders to the wall that commit crimes based upon racial hatred. Perfect example is the example that my friend, SHEILA JACKSON-LEE, just referred to in the Jasper killing. Without a hate law in Texas, the individuals that committed that crime

against that individual, Mr. Byrd, two of them got the death penalty—and unlike some States, we execute folks in Texas—they have been executed, and the other person got a life sentence. No question about it, motive is admissible in all crimes in all courtrooms. However, this legislation is not the answer. It will chill free speech, while making some victims less important than others.

American law has always punished the act. This law changes that to punish the thought process of individuals and does make some people more special than others when it comes to being victims of crime, and that ought not to be.

Mr. CONYERS. Mr. Speaker, I would like now to yield 2 minutes to a senior member of the Judiciary Committee, who is also a chairperson of another subcommittee, DEBBIE WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in support of this important legislation.

Mr. Speaker, I wonder if our friends on the other side of the aisle would be singing the same offensive tune if we were talking about hate crimes based on race or religion. It seems to me that it is the category of individual that they are offended by rather than the fact that we have hate crimes laws at all.

We have already heard the powerful story of Matthew Shepard. His mother, Judy, addressed our caucus this week. As the Speaker noted, we are all inspired by Judy Shepard's 10-year quest to turn her pain and tears into change because these cases are tragic and real.

Ryan Skipper was a 25-year-old gay man from Polk County, Florida. Like Matthew, Ryan's body was found murdered and dumped along the side of the road about 2 years ago. Ryan's body had been stabbed 20 times and his throat was slit. His car was found abandoned nearby and contained the fingerprints of his two killers. One of his killers told the police his conduct was justified to rebuff unwanted sexual advances. Because there was no hate crime law with which to charge Ryan's killer in Florida, only one of Ryan's attackers has been convicted, and that was of a lesser charge.

Why do we need a hate crimes law? Because hate crimes do more than threaten the safety and well-being of individuals. Hate crimes do more than inflict incalculable pain and suffering on individual victims. Hate crimes target groups and terrorize communities. Left unpunished, hate crimes send powerful messages of intolerance. Hate crimes leave both the victim and others in their group feeling isolated, vulnerable, and unprotected.

I am proud to cosponsor this legislation again this Congress. I want to commend my colleague, Judiciary Chairman JOHN CONYERS, and my committee colleague, Tammy Baldwin, for their leadership in bringing this issue forward again this year.

Let's announce here and now that we will not tolerate this kind of terror in America. Let's vow that we will not turn a blind eye to hatred and violence in America. And let us pledge to give police and prosecutors all the resources they need to stamp out this scourge.

Mr. Speaker, Matthew Shepard and Ryan Skipper may be gone, but we can honor their lives today. I urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. CHAFFETZ), who is a member of the Judiciary Committee and the deputy ranking member of the Court Subcommittee.

Mr. CHAFFETZ. Our Founding Fathers asserted the self-evident truth that all men are created equal. For the last two centuries, Americans of all backgrounds have worked toward the ideal of "equal justice for all," but the majority's Local Law Enforcement Hate Crimes Prevention Act doesn't eliminate inequalities in our justice system; instead, it creates inequalities. It gives special protected status to a small group of individuals based on their lifestyle choices. It increases criminal penalties not based on the criminal act itself, but based on the thoughts and beliefs of the person who committed the act. It requires the government to investigate and scrutinize the religious groups and other organizations with which we might freely associate under the First Amendment. For these reasons, and a number of others, I believe this bill is unconstitutional and must be rejected.

In the United States of America, we can all agree that any violent crime should be deplored. We all should be equally free from violence, regardless of our background or beliefs. We all should expect our government officials to provide equal protection under the law. But this hate crimes bill says some Americans are more equal than others and deserve special treatment. And religious leaders and others who hold traditional values of morality and decency should be careful not to speak too vocally about their beliefs or risk being held accountable for the actions of those who might overhear and then later commit a violent crime.

During our Judiciary Committee markup of this bill, when it became clear that the Democrats planned to report it despite these objections, my Republican colleagues sponsored amendment after amendment seeking equal treatment under this bill for senior citizens, men and women of the Armed Services, pregnant women, and unborn children. All were rejected by the Democrats.

It is unbelievable to me that the sponsors of this bill think those who have chosen a different personal lifestyle should enjoy greater protection under the Federal law than those who have chosen a lifestyle of service to our country—as our men and women in the military have done—or that they de-

serve more protection under the Federal law than pregnant mothers.

No violent crime should be condoned, and no one on either side of this issue believes it should. But selectively protecting some while punishing others more severely based on their thoughts and beliefs is unequal, unjust, and un-American.

I urge my colleagues to vote against this affront to the Constitution and to our Nation's heritage and traditions of freedom to think and believe according to the dictates of our own conscience.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes to Steve Cohen, a State legislator and lawyer for more than 24 years.

Mr. COHEN. Thank you, Chairman CONYERS. I appreciate the opportunity to speak on this bill of which I am a sponsor.

The gentleman who just spoke, who I respect, talked about the Founding Fathers and what has happened to our country. Well, it is a great country and I love our country, and it was a great country when it was founded. But when it was founded, women didn't have the right to vote and African Americans weren't citizens.

It takes time to perfect your law and to become a more perfect Union, and that is what this law is doing. It is taking an effort to perfect and make better our laws to reflect the society we have today and the thinking and the mindset that we have and the understanding of what happens in law.

If we go all the way back to always the Founding Fathers, we would have slaves, we would have second-class citizens—which are women—and we wouldn't have any rights for anybody that wasn't a white male who owned property.

Times have changed, and thank God they are changing today, Mr. Speaker. The fact is, this has no effect on anybody that speaks about hate crimes. It doesn't affect any minister that speaks from the pulpit. We have had hate crimes in this country in State legislatures, and Federal law as well, for decades, and no preacher or person using the spoken Word has ever been prosecuted or charged with a crime, and never would.

This law goes further than any law ever because it specifically says that no First Amendment rights or rights guaranteed through freedom of speech will be abridged or, because of the exercise thereof, have any charge brought against a person who exercises those rights. Never before has that been in a law that we have had here.

So more rights are given to people, even though it is unnecessary to give them because there is no problem, it is basically simply to guarantee and assure people, to calm their concerns.

People talk about people not being able to preach against people being gay. The fact is they can do it, and the fact is the Ten Commandments tell you not to bear false witness. And people who submit that preachers could be arrested for preaching against homosexuality, which they do today, that they

could be arrested, there is a commandment about that, "Don't bear false witness." This is a good law.

Mr. GOHMERT. Will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOHMERT. I want a clarification, Mr. Speaker, for a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GOHMERT. The gentleman said that there was a commandment against bearing false witness, as if that is what one does when they say someone can be prosecuted, and I would ask for a ruling from the Chair on whether that violates the rule of this body.

The SPEAKER pro tempore. The gentleman has not stated a point of order.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), former judge, and now the ranking member of the Crime Subcommittee.

Mr. GOHMERT. Well, unlike my friend from Tennessee, I am not going to allege that anyone on the other side of this issue is trying to bear false witness.

I believe the motivation is good, but we even heard the majority leader say this bill stands for equality under the law. I don't believe he meant to misstate the truth, but the truth is this bill sets out different classifications that are more special than others. Someone suggested that perhaps people would be happy if we just said, I'll tell you what. If you assault a white male, then you just get half the sentence of assaulting someone else.

We want equal justice under the law; that's what we are supposed to have. I have a letter here from the National Black Church Initiative that was sent to Senator LEAHY 2 years ago. It is signed by one, two, three, four, five, six, seven—well, I can't count them all. There are four pages of names. But the first is Anthony Evans, President of the D.C. Black Church Initiative. But it says things including, "The National Black Church Initiative is a coalition of 16,000 churches." "We have 18,000 sister churches." They are located in virtually every congressional district in America. "If the U.S. Senate passes this bill and thus codifies sexual orientation as a protected legal class, it will open up a constitutional war between the church and the radical gay community. We know the gay community plans to use this piece of legislation to try to legally force the church to recognize their abominable lifestyle"—some very strong statements there.

I have just received a letter dated April 29 from the United States Commission on Civil Rights. "We write today to urge you to vote against the proposed Local Law Enforcement Hate Crimes Prevention Act." They said, "We believe the bill will do little good and a great deal of harm." They say some suggest it will only apply to hate crimes. But they point out, It is suffi-

cient if he acts because of someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability. Consider, rapists seldom are indifferent to the gender of their victims. They are virtually always chosen because of their gender. A robber might well steal from women or the disabled. Why? Because they perceive them to be weaker and more vulnerable.

Moreover, they say, The objective meaning of the language and considerable legal scholarship would certainly include these being covered. So all of these things would now become Federal crimes.

□ 1515

There is no epidemic. There are fewer numbers now than 10 years ago. There is no nexus. Ryan Skipper and Matthew Shepard's cases keep being brought up. For the defendants in those cases, I would have been happy to have signed an order for death. They got life. It would not affect them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional minute.

Mr. GOHMERT. This law would not affect the Matthew Shepard case. It would not affect the Ryan Skipper case.

My friend from Florida brought up the Ryan Skipper case in Florida when I was talking in Judiciary and was asking: Is there a case you can give me where this would make a difference? That case was brought up. We did the research after the hearing. Well, guess what? Two defendants. One has already got life plus extra years on top of life. The other is about to go to trial. They didn't need a hate crimes law, a Federal hate crimes law.

This divides America. We don't need to divide America. Everybody deserves equal justice. The gangs who pick their victims based on violence against random targets get acquitted under this bill. They get acquitted for acting randomly.

We've got to vote "no" on this.

Mr. CONYERS. I am pleased to yield now 1 minute to the gentlewoman from Colorado (Ms. MARKEY).

Ms. MARKEY of Colorado. Mr. Speaker, Matthew Shepard died in a hospital less than 5 minutes from my home in Fort Collins, Colorado. The depth of hate that drives such an act of violence leaves all of those it touches bereft in the knowledge that such ugliness can exist on this Earth.

Angie Zapata was an 18-year-old transgender woman who was brutally murdered in Greeley, Colorado this past July. It took a jury just 2 hours to convict Angie's killer under Colorado's first application of the hate crimes statute earlier this month.

This bill does not punish speech, thoughts, words or beliefs. It does not even punish hate speech. It punishes actions. It provides State and local authorities with Federal assistance in in-

vestigating and in prosecuting hate crimes. In this country, 45 States already have hate crimes legislation on the books. Many of these statutes are more robust than the current Federal law.

Matthew Shepard and Angie Zapata were two victims of hate crimes in my district. I have a duty to their memories that I take seriously.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, there are two very good reasons to vote "no" on this bill. This bill is called the hate crimes bill.

The first major reason to vote "no" is that this bill increases hatred in America. I will say it again. This bill increases hatred in America. How does that happen? It can be easily illustrated. Let's say that you're a parent and that you have a number of children but that you don't give the children equal laws. Some you favor and some you don't. What quicker formula to create animosity between children?

This law violates the most basic principle of law. Lady Justice is always supposed to have a blindfold across her face because, regardless of who you are when you appear before Lady Justice—whether you're black or white, male or female, rich or poor, fat or skinny—Lady Justice does not notice. This bill violates that basic principle. It creates animosity by elevating one group over another group; thus, it creates hatred. This is counter to everything American law has ever stood for, and it will increase hatred in America. For that reason alone, there should be a vote of "no."

A second good reason to vote "no" on this bill is that our courts have a large backlog of various cases. Our judges and juries have to take a look at a certain set of facts and must determine whether or not somebody did or did not do something that is specifically illegal in the law. This law says that now we're going to try and turn them all into psychologists and have them figure out whether the criminals had good attitudes or not when they did the crimes. That does not make sense to waste precious judicial resources in trying to make everybody psychologists to determine whether or not some specially protected class gets a special privilege.

It's a good reason, and there are many good reasons to vote "no."

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize for 1 minute the gentlewoman from California (Ms. WOOLSEY), who has been the cochair of the Progressive Caucus for many years.

Ms. WOOLSEY. Mr. Speaker, the bill before us today, the Local Law Enforcement Hate Crimes Prevention Act, is about protecting every member of our community from violence.

We understand that hate crimes don't just affect the victims of these horrible acts but that they also threaten and affect the fundamental rights of

every single one of us. Intolerance and prejudice are still a part of our world, but when the bigotry leads to violence, this Congress has a responsibility to stand up and say, "No more."

With this bill, we will extend and expand on the protections for victims of hate crimes, for victims of crimes based on gender, sexual orientation, gender identity, and on disability. All children and their families must have the freedom to celebrate who they are, and they should be protected under Federal law from personal attacks based on bigotry.

The time has come for Congress to pass this bill in order to send a clear message throughout the world that violence and hate are not acceptable. I urge my colleagues to join me in passing this legislation.

Mr. KIRK. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman for yielding.

Mr. Speaker, today, I rise in support of the Local Law Enforcement Hate Crimes Prevention Act, H.R. 1913.

This legislation will provide needed assistance to State and local law enforcement agencies, and it will make changes to Federal law to facilitate the investigation and prosecution of violent, biased-motivated crimes against people for no other reason than their perceived or actual race, religion, natural origin, sexual orientation, gender, gender identity or disability.

We must work together to protect all Americans from hate-motivated violence, which is alarmingly prevalent and so often goes unreported. Such crimes of hate have dramatic impacts on individuals, families and communities, and they must be subject to comprehensive Federal law enforcement assistance and prosecution. While State and local governments will maintain principal responsibility, an expanded Federal role will help ensure the investigation and prosecution of serious forms of hate crimes in cases when local authorities are either unable or are unwilling to do so.

Concerns have been raised that the measure will impinge free speech. I would like to reiterate that H.R. 1913 applies only to biased-motivated, violent crimes, violent actions that result in death or bodily injury. It does not restrict speech in any way. In fact, the bill explicitly states, "Nothing in this act or the amendments made by this act shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech or free exercise clause of, the First Amendment to the Constitution."

H.R. 1913 is supported by virtually every major law enforcement organization in the country as well as by civil rights, education, religious, and civic organizations. I urge my colleagues to join me in supporting the Local Law Enforcement Hate Crimes Prevention Act today.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. JORDAN), who is a member of the Judiciary Committee and who is also deputy ranking member of the Administrative Law Subcommittee.

Mr. JORDAN of Ohio. I thank the gentleman for yielding.

Mr. Speaker, I appreciate the opportunity to speak in opposition to H.R. 1913, which unfortunately is being debated under a closed rule today.

This bill represents an unconstitutional, unprecedented departure from a deeply rooted American principle of equal justice under the law. Justice should be blind. It should be equal for all Americans. All violent crime is deplorable, and it should be punished to the fullest extent. Crimes that are not aimed at a certain class of people are just as reprehensible as those committed for other reasons; but this bill would treat senseless, random violence less harshly than "hate" crimes.

Justice will depend on whether a victim is a member of a category deemed worthy of protection under this bill—a list, for the record, that does not include the unborn, pregnant women, the elderly, and others who are among society's most vulnerable.

In fact, during committee markup, I offered an amendment to add the unborn to this list. The amendment was ruled nongermane on the outrageous grounds that the unborn are not "persons." So much for defending our most defenseless.

In addition, this bill raises the very real possibility that religious teachers of every faith could be prosecuted on what they say in the pulpit, on what they preach, by permitting legal action against anyone who willfully causes an act to be done by another person. It is not hard to imagine charges being filed against a pastor if a prosecutor believes that the pastor's message caused someone to commit an act of violence. Subjecting pastors' sermons to prosecutorial scrutiny in this way would have a chilling effect on the rights of all individuals to freely practice their religion.

This so-called "hate crimes bill" not only discards the fundamental American legal principle of equal justice; it also lays the groundwork to criminalize individuals and groups that might not share certain values. Crimes committed against one citizen should not be punished any more or any less than crimes committed against another.

I would urge a "no" vote on this bill.

Mr. CONYERS. Mr. Speaker, I rise to give 2 minutes to the Crime Subcommittee chairman for many years, BOBBY SCOTT of Virginia.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, bias crimes are disturbingly prevalent and pose a significant threat to the full participation of all Americans in our democratic society. Despite the deep impact of hate violence on communities, current law lim-

its Federal jurisdiction over hate crimes to incidents directed against individuals only on the basis of race, religion, color or national origin and only when the victim is targeted because he or she is engaged in a federally protected activity, such as voting. Further, the statutes do not permit Federal involvement in a range of cases where crimes are motivated by bias against the victim's perceived sexual orientation, gender, gender identity or disability.

We need to change the law so that the Federal Government will have the authority to be involved in investigating and in prosecuting these cases when the State authorities cannot or will not do so.

Mr. Speaker, the bill is narrowly drawn. It only applies to bias-motivated, violent crime, and it has specific protections to ensure that it does not impinge on public speech, religious expression or on writing in any way. In fact, the only way that expressions could involve the defendant in this crime is if the language were such that it would already qualify as something like inciting a riot or other violent crimes.

Mr. Speaker, law enforcement authorities and civic leaders have learned that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into widespread tension that can cause damage to the social fabric of a community.

This problem cuts across party lines, and so I hope we will pass the bill on a bipartisan basis just as we did last year.

*Washington, DC, April 27, 2009.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC.*

DEAR MEMBER OF CONGRESS: On behalf of thousands of clergy members, pastors, and African American community leaders within our African American Ministers In Action (AAMIA) network of People For The American Way, I urge you to support the Local Law Enforcement Hate Crimes Prevention Act of 2009 (LLEHCPA)—H.R. 1913.

As people of color, we are well aware of the hideous nature of race-based violence, and understand the importance of legislation that protects Americans who are victims of hate crimes. We also are not blind to the fact that violent hate crimes are motivated not just by racism. Knowing this, as clergy members and pastors who affirm the humanity of every person, we fully understand and embrace the call to advocate for an inclusive federal law that will extend protection to victims of hate crimes based on disability, sexual orientation, gender, or gender identity. H.R. 1913 is the bill that will make equal protection under the law for victims of hate crimes a reality and not just an American dream.

Unfortunately, propaganda and lies have prevented the protections that H.R. 1913 proposes from becoming law. One such falsehood is that this bill will eliminate churches' first amendment rights; that this legislation will "muzzle our pulpits" or dictate what we as clergy or religious communities can or cannot say. This is not true. In fact, H.R. 1913 protects freedom of speech and freedom of religion. It only punishes violent acts like assault and murder, not religious beliefs.

The law makes clear that it cannot be used to prohibit any "expressive conduct" or "activities protected by the Constitution."

The AAMIA is passionate about protecting the civil rights of all Americans, especially those that protect people who are discriminated against because of who they are. Victims of violent hate crimes often come to our churches in search of a safe haven from enduring assaults, and they are in need of federal protections. Thus from our houses of worship to your house of policy, we trust that we can count on your support for the protection of American citizens from violent hate crimes. Please vote in favor of H.R. 1913.

Sincerely,

TIMOTHY McDONALD,  
*Founder and Chair,  
 African American Ministers In Action.*

#### HATE CRIMES FACT SHEET

The African American Ministers in Action has joined those urging Congress to expand the current federal law to protect victims of hate crimes based on disability, sexual orientation, gender, or gender identity. As believers who are called to love our neighbors as ourselves, we do not support VIOLENCE against any human being.

#### ABOUT THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

We support The Local Law Enforcement Hate Crimes Prevention Act of 2009 (H.R. 1913) because it does in fact protect individuals against the incidence of VIOLENCE motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim. The legislation also provides strong first amendment protections ensuring that the religious liberty and free speech rights of pastors, such as ourselves, and others are protected.

H.R. 1913 is crucial to protecting the rights of all Americans. This can be accomplished by strengthening law enforcement and closing loopholes in the current law, and is overwhelmingly supported by the civil rights community, law enforcement, and many religious organizations. As we work to secure the rights of women and minorities worldwide, we must also act to secure the rights of all Americans here at home.

#### INCIDENCE OF HATE CRIMES

Crimes against people based upon their disability, sexual orientation, gender, or gender identity are all too common. According to the most recent hate crimes statistics from the FBI (available at <http://www.fbi.gov/ucr/hc2007/index.html>), there were 9,535 victims (defined as persons, businesses, institutions, or society as a whole) of hate crimes in 2007. Of these, 1,512 were victims of hate crimes based on sexual orientation, and 84 were victims of hate crimes based on disability. Hate crimes legislation seeks to extend federal hate crimes protections to these and other (gender and gender identity) groups of people.

#### RELIGIOUS LIBERTY

H.R. 1913 protects free speech and religious liberty. The First Amendment of the Constitution will always protect preaching or other expressions of religious belief—even name-calling or expressions of hatred toward a group. This legislation punishes only violent actions that result in death or bodily injury.

There is strong language in the legislation that explicitly says that evidence of expression or associations that are not specifically related to a violent hate crime may not be used as evidence.

#### HATE CRIMES MYTHS OF THE RIGHT

MYTH: Hate crimes legislation is a threat to religious liberty and will "criminalize

Christianity" by restricting what pastors and other religious leaders are able to preach. Pastors will be arrested for preaching against homosexuality.

FACT: H.R. 1913 protects freedom of speech and freedom of religion. It only punishes violent acts like assault and murder, not religious beliefs. The law makes clear that it cannot be used to prohibit any "expressive conduct" or "activities protected by the free speech or free exercise clauses of the First Amendment."

MYTH: Hate crimes legislation will lead to prosecution for "thought crimes."

FACT: This legislation does not restrict anybody's First Amendment rights. The law doesn't create something called a "thought" crime for a particular group of people. H.R. 1913 strengthens law enforcement's ability to fight violent crime—not vigorous debate, not sermons against homosexuality, not hateful speech, not the spreading of misinformation that thrives on constitutionally protected right-wing television, radio, and blogosphere, not even the infamous "God hates fags" protesters.

MYTH: Hate crimes legislation gives "special rights" to some people.

FACT: Freedom from violence isn't a "special right." It's a human right. No one should be assaulted or killed because of who he or she is.

H.R. 1913 punishes only violent crimes and the hateful motivation directly related to such crimes. Distinctions like this are common place in our criminal justice system. For example, the intent of a suspected killer determines the difference between a first and second-degree murder charge.

#### WHAT CAN YOU DO TO HELP END VIOLENT HATE CRIMES?

Contact your Representative and Senators and tell them that you want all Americans, regardless of their race, religion, national origin, age, disability, sexual orientation, gender, or gender identity, to enjoy freedom from violence. Urge them to support hate crimes legislation, such as H.R. 1913, so that no American is treated as a second-class citizen. Sign up for People For the American Way action alerts, and we will keep you updated on new developments concerning this issue.

Mr. KIRK. Mr. Speaker, I would like to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Mr. Speaker, I rise in support of this bill, which provides needed assistance to State and local law enforcement agencies and allows the Department of Justice to investigate crimes committed on the basis of the victim's race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

This legislation mirrors laws passed in 28 States, including in the State of New Jersey. We in New Jersey are proud of the legislation we have enacted in this regard. Violence based on prejudice is a matter of national concern. Federal prosecutors should be empowered to help States.

Mr. Speaker, on the wall of the national memorial honoring Franklin Roosevelt, the following words are written: "We must scrupulously guard the civil rights and civil liberties of all citizens, whatever their background. We must remember that any oppression, any injustice, any hatred is a wedge designed to attack our civiliza-

tion." This statement is as true today as when Franklin Roosevelt spoke it nearly 70 years ago.

I urge my colleagues to support this important legislation, and I look forward to its passage and, I hope, to its signature into law this year.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS), who is also the chairman of the Values Action Team.

Mr. PITTS. I thank the chairman.

Mr. Speaker, I rise in opposition to H.R. 1913, the hate crimes legislation.

This bill would be more appropriately termed the "thought crimes act," as it seeks to criminalize certain types of thoughts. Our legal structure was established to punish actions, not thoughts or beliefs, and this bill would set a dangerous precedent.

□ 1530

It will threaten our most basic right to free speech established under the First Amendment. Religious groups who hold certain convictions based on their faith could, in fact, be targeted by this law. In Sweden, a pastor was convicted by a trial court and sentenced to jail time for a hate crime after preaching a sermon that discussed biblical views of homosexuality. And in New York, the State hate crimes laws were used to justify taking down billboards on sexual immorality that a local pastor had paid to post.

This legislation seeks to create categories of citizens who are either more or less protected under the law depending on what category they fall into. This framework flies in the face of one of the most fundamental principles of our justice system. Chiseled in stone across the front of the Supreme Court building are the words "Equal Justice Under Law." This means that all citizens, regardless of sexual identity or anything else, are to receive equal protection from the law. I support this basic principle that has long guided our Nation's system of justice.

But this bill undermines that principle. It seeks to establish different groups of citizens with different levels of protection under the law. And the bottom line is that this legislation simply isn't necessary.

If someone commits a violent crime, they should be punished to the full extent of the law regardless of who the victim is.

I urge you to preserve equal justice under the law and oppose H.R. 1913.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from New York, ELIOT ENGEL.

Mr. ENGEL. Mr. Speaker, I thank the distinguished chairman of the Judiciary Committee, my good friend from Michigan, for yielding me this time. And as a proud cosponsor of this bill, I am proud that it's on the floor today.

This bill is a carefully crafted measure that would provide desperately needed resources to State and local governments for the investigation and

prosecution of violent crimes based on sexual orientation, gender identity and disability. It is a bill long, long due to add sexual orientation and the others, including gender, to the list of hate crimes.

To my friends on the other side of the aisle who say that we are creating a special class, well, by that logic, right now we have race, color, religion and national origin protection. So by that logic, we should eliminate those as well. It's ridiculous.

To those who say, "Why should we protect people who have chosen a different personal lifestyle?" our gay and lesbian friends don't choose this lifestyle. They are what they are and they should be protected just like anybody else who has a religion, who has a gender obviously, color, religion or national origin.

This bill does not violate free speech or First Amendment protections. Nothing in this bill would prohibit the lawful expression of one's religious beliefs. This bill only punishes violent crimes motivated by bias. Congress is saying clearly, unequivocally, that the people of this country reject and condemn all forms of hate violence. That's why this bill is here.

Today, we uphold the principles that are considered the foundation of American democracy that all people are created equal and that all people are entitled to equal protection under the law. It includes gays and lesbians and includes everybody.

Pass this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. KING), a member of the Judiciary Committee and the ranking member of the Immigration Subcommittee.

Mr. KING of Iowa. I thank the gentleman from Texas for his leadership in opposition to this issue and for yielding.

The gentleman, the previous speaker, just said this bill only punishes violent crimes. I take you to the language from the bill. Here's the definition of a crime of violence. It means an offense that has, as an element, the threatened use of force against the property of another. If one threatens to use force against the property of another—this is verbatim from the section that is referenced in the existing code—property crimes are included in this, threats against property crimes are included in this. Hate crimes, the definition of hate crimes in the Federal statutes means a crime when the perpetrator selects property because of the property owner's actual or perceived sexual orientation.

This isn't just violent crimes. It is in some of the Federal segment of it but not in the assistance that goes to local governments. And in local governments it also states in the bill that any local jurisdiction's hate crimes ordinance or legislation can be supported by supporting the prosecution of the local hate crimes legislation that's there.

And so whatever local jurisdiction may determine is a hate crime is covered under this bill. It might be a city, a county, a municipality; it might be a parish, it might be a State. It might be San Francisco's ordinance that says, Thou shalt not discriminate against the short, the fat, the tall, or the skinny. That is hate crimes ordinances that could be prosecuted with Federal assistance under this bill. The short, the fat, the tall, the skinny. That will cover some regular people, I think.

And so I would ask this: Why are you dividing us? Why are you pitting Americans against Americans? That's a rhetorical question, Mr. Speaker. This divides us and pits Americans against Americans. And the definitions in this bill are broad, ambiguous and undefined anywhere with any consensus, even among the professionals that deal with this on a daily basis.

In the committee, I asked specifically the question, "What is the definition for sexual orientation?" The answer that I got back from the gentleman from Wisconsin was, "This bill only covers homosexuality and heterosexuality." Now it presumably excludes bisexuality, but in the rule debate, the gentleman from Florida (Mr. HASTINGS) said, "No, no. Here's what we have," and he read through a whole list of phillias, he called it.

There are 547 specific paraphillias that are listed by the American Psychological Association. About 30 of them have been read into this RECORD. I've got a list of these 30 phillias. Among them pedophilia—the obsession with children—which specifically was excluded from the bill when I offered the amendment by the Judiciary Committee.

So, Mr. Speaker, we're going down the path here of no one really knows. Am I going to buy into the statement made by the very senior member of the Rules Committee who says I want to protect all phillias whatsoever no matter what the proclivity? And many of them are perversions, Mr. Speaker. We're going to grant that protected status to people who are actually breaking the law if they act on their particular sexual orientation, or are we going to limit it to—as the gentelady from Wisconsin says—homosexuality and heterosexuality, not bisexuality.

I tried to explain this to the press as they asked me questions. And finally my answer became, "If this sounds confusing and gibberish, it is." And it leaves it open to any judge, any lawyer, anyone for anything that is in their head or might be their plumbing or might be in the perception of the perpetrator as well as, and/or, the perception of the alleged victim.

There is no precedent for this in law, this broad, broad idea that we're going to punish what is in the head of the perpetrator by dividing what may or may not have been in the head of the victim. That's where this legislation takes us.

Why are they dividing us, Mr. Speaker?

I oppose this legislation.

Mr. CONYERS. Mr. Speaker, would you advise us with regard to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Michigan has 11½ minutes. The gentleman from Texas has 8½ minutes. The gentleman from Illinois has 1½ minutes.

Mr. CONYERS. Mr. Speaker, I yield for the purpose of a unanimous consent request to the gentleman from Pennsylvania, CHAKA FATTAH.

(Mr. FATTAH asked and was given permission to revise and extend his remarks.)

Mr. FATTAH. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, I thank the Chairman for the time and for his work on this legislation. The Local Law Enforcement Hate Crimes Prevention Act, H.R. 1913, is a long overdue effort to address the scourge of bias motivated crimes in communities across the country. This is not simply about criminalizing violent acts, those are already illegal. This is about recognizing that these crimes affect more than just the individual involved, they are meant to instill fear in whole communities.

Hate crimes in this country have a terrible history. For decades African Americans, particularly those who spoke out for justice and equality, were brutally lynched in communities across the country while law enforcement officials and upstanding members of the community stood by. Murder was illegal then too, but it took the brave efforts of citizens, including Ida B. Wells, for the problem to be addressed. These murders were meant to send a signal to newly freed men and women and often targeted veterans returning from war.

Our Jewish neighbors have been subjected to campaigns of terror with property destruction and symbols of hate sprayed across synagogues and community centers. Irish, Italian, Catholic, Latino, Muslim and Asian Americans have all seen "disagreements" and "displeasure" expressed with barbaric crimes meant to convey the message that they were unwelcome in this nation of immigrants.

Opponents have suggested that this legislation will affect what can and cannot be said in houses of worship. This is false. H.R. 1913 explicitly recognizes the right of individuals to be ignorant, narrow-minded, or malicious whether motivated out of faith, conscience, or generic hatred. This bill will have no effect on any interpretation of the Bible or religious tradition. They say that they worry there will be a "chilling effect" on religious speech. This is nonsense. This bill is about criminal acts, those that are already illegal, and enables law enforcement to carry out responsibilities they already have under current law.

The man whose name is now associated with this bill, Matthew Shepard, was tortured and killed because he was gay. This crime wasn't about him as an individual, it was about what he represented. Every day there are smaller incidences in neighborhoods around the country. Individuals are targeted coming out of certain bars, wearing certain clothes, or walking with too much flair. This is a systemic problem that requires a systemic approach. This bill will go a long way in allowing local law enforcement to do their job and providing Federal assistance where it belongs. It is about time.

Mr. CONYERS. Mr. Speaker, I now recognize the distinguished gentleman from Texas (Mr. AL GREEN) for 1 minute.

Mr. AL GREEN of Texas. Mr. Speaker, I rise in support of the Declaration of Independence. All persons are created equal, endowed by their Creator, with certain inalienable rights, among them life, liberty and the pursuit of happiness. Not some people, not people of a particular race, not people who just happen to be heterosexual; all persons are created equal.

And for the record, I support the rights of gay people. Gay people have the same rights as any other Americans, and they have the right to pursue happiness. I support this—the Declaration of Independence speaks of it—and but for the grace of God, we all ought to realize, There go I. Any one of us could become the victim of a hate crime regardless of your race, your creed, or your color. We should support people and the rights of people.

For those who say that we are creating a separate class of people, we already have a class that we've distinguished in the State of Texas for peace officers. If you assault a police officer, your punishment is going to be enhanced.

That is what this is all about: enhancement of punishment.

Mr. SMITH of Texas. Mr. Speaker, I would like to reserve my time.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the distinguished gentlelady from Maryland, an attorney herself, DONNA EDWARDS, for 1 minute.

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today in strong support of the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2009, H.R. 1913.

This really is about civil rights. Now, in an ideal world, I wouldn't be standing here speaking here before you now because we wouldn't need legislation like this. But this is anything but an ideal world. And sadly, violent hate crimes are still an unfortunate reality in our society. Last year there were 150 reported hate crimes in my home State of Maryland, and local law enforcement estimates that the actual numbers are higher due to reporting discrepancies.

Now, recent statistics also say there were more than 9,000 reported hate crimes. So the time to do something about this is now. And as a long-time violence prevention advocate, I believe we have to do everything in our power to eradicate violence in all its forms.

By passing this legislation, we're saying that acts of violence motivated by hate will simply not be tolerated, not for any person, not for any reason.

Mr. Speaker, I thank you and I thank the leadership of the Matthew Shepard family for keeping us on mark about what it means to protect people.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, under this legislation, criminals who kill certain people will

be punished more harshly than people who kill a police officer, a member of the military, a child, or a senior citizen.

Is a murder motivated by hatred for something other than the victim's membership in a particular group any less devastating or tragic? All crime victims should have equal worth in the eyes of the law. Ordinarily, criminal law does not concern itself with motive, why a person acted, but rather with intent, whether the perpetrator intended or knew that they would cause harm. If someone intends to harm a person, no motive makes them more or less culpable for their conduct.

This legislation will force law enforcement officials and prosecutors to gather evidence about the offender's thoughts and words regardless of the criminality of their actions.

When the government starts to punish thoughts, this is a dangerous road to travel. And where does it end? With thought police?

Mr. Speaker, we cannot legislate away hate, nor should we criminalize a person's thoughts, no matter how much we might disagree with them. I urge my colleagues to oppose this bill.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that I be permitted to control the remainder of the time that I previously yielded to the gentleman from Illinois (Mr. KIRK).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I am now pleased to recognize the gentlelady from Wisconsin who has served ably on the Committee on the Judiciary for a number of years, TAMMY BALDWIN, for 5 minutes.

Ms. BALDWIN. I want to thank Chairman CONYERS for the time and for your diligent work on this measure. It has been an honor and a privilege to work closely with you.

Today, by passing the Local Law Enforcement Hate Crimes Prevention Act, the House has a historic opportunity to reinforce the principles of equal rights and equal protection embodied in our Constitution.

Hate crimes are acts of violence motivated by prejudice and committed against individuals that end up victimizing entire groups of people.

In 1968 in response to horrific hate-based violence in our country, cross burnings, lynchings, fire bombings and the like, we acted to protect people who were victimized on the basis of their race, color, religion or national origin. Today, we strengthen our response to this form of domestic terrorism by adding protections for people targeted for violence because of their gender, disability, gender identity, or sexual orientation.

We add these characteristics to the hate crimes legislation not because they deserve special protection, but because of a history and pervasive pat-

tern of heinous violent crimes committed against individuals because of these characteristics.

Some opponents of this legislation are disseminating misinformation in order to derail this bill. But make no mistake—this legislation we pass today has been carefully crafted to protect our First Amendment rights to free speech, expression, and association.

The First Amendment protects these freedoms, but it does not protect violence. This is not a hate thought bill. This is not a hate speech bill. This is a hate crimes bill that will provide needed Federal resources to local law enforcement authorities when they confront violent crimes motivated by prejudice and hate.

□ 1545

I want to share with you a few reasons why I believe the passage of this legislation is so urgently necessary.

I'm thinking today of Angie Zapata, an 18-year-old transgender woman who was brutally murdered in Greeley, Colorado, last summer. Angie's killer beat her to death with his fists and a fire extinguisher when he learned that she had been born a male. Thankfully, Angie's killer was brought to justice under a State hate crimes law. But we know that with staggering frequency, those who commit similar acts of violence and murder based on hate are not.

I think of Lawrence King, a 15-year-old in Oxnard, California. Larry had suffered harassment from his peers and then was killed by a 14-year-old classmate because of his sexual orientation and gender identity.

Americans across the country, young and old alike, must hear Congress clearly affirm that hate-based violence targeting gays, lesbians, transgender individuals, women, and people with disabilities will not be tolerated.

I think today of Matthew Shepard, who was brutally attacked by his homophobic assailants and left to die on a fence in Wyoming 10 years ago. Matthew's death generated international outrage by exposing the violent nature of hate crimes and the horrific effect on the targeted community.

I think of Judy Shepard, Matthew's mother, who is here with us today, still courageously advocating for the passage of this legislation more than 10 years after losing her son.

The passage of the Local Law Enforcement Hate Crimes Prevention Act will not make all hate crime go away. But this bill gives State, local, and Federal law enforcement authorities the necessary resources and tools to combat violent crimes based on hate and bias.

Mr. Speaker, the arguments have been made, the evidence has been proffered, and, sadly, the lives have been lost that more than justify the passage of this legislation. I urge my colleagues to pass this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the

gentleman from Indiana (Mr. PENCE), who is also chairman of the Republican Conference.

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. I thank the gentleman for yielding, and I especially thank the ranking member of this committee for his strong and principled and thoughtful opposition to H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act.

Mr. Speaker, those who know me, including my colleagues on this committee and the distinguished chairman of this committee, know that I abhor discrimination. I have associated myself throughout my career in Congress with efforts to advance the interests of minorities, and I will continue to do so. People who know me back home know that I have no tolerance for unkindness or disrespect to any individual for any reason, but most especially any disrespect or discrimination that is based on race, creed, or color is anathema to me. So I don't question the motives of those who would advance this legislation. I think I know the heart of many and understand it.

But I rise in opposition to this legislation for three reasons:

Number one, I believe that we should not treat thought the same way we treat action before the law. Number two, I believe this legislation is unnecessary when a careful examination of State prosecutions and the work that's being done at State levels is examined. And lastly and most ominously, I fear this legislation, intentionally or unintentionally, could have a chilling effect on the religious expression and the religious freedom of millions of Americans. So let me speak to each of those points.

Thomas Jefferson once said, "Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith and his worship, the legislative powers of the government reach actions only, not opinions." Thomas Jefferson again stated the core of my objection to hate crimes legislation as a whole, and that is that violent attacks against people or property are already illegal regardless of the motive behind them. And it seems to me that the wisdom expressed by Thomas Jefferson in that quote is wisdom that ought to discipline this legislative body, that we ought to focus the reach of government on actions only and not opinions. And that remains the core of my objection to hate crimes legislation.

But even to those who believe, Mr. Speaker, that this legislation is appropriate, I must say that it is also important for our colleagues and anyone looking in to understand that this legislation is also unnecessary. The underlying offense in each of these crimes is already fully and aggressively prosecuted in all 50 States.

This bill designates in particular gender identity for federally protected sta-

tus without, I might add, any evidence of any hate crimes occurring against individuals for gender identity. The hate crimes bill before us today makes a Federal offense out of any violent crime that is alleged to be motivated by gender identity including, for instance, people who describe themselves as transsexuals, even though the Hate Crimes Statistics Act of 1990, as amended in 1994, never collected any data to show that such hate crimes are even occurring. In fact, the truth be told, FBI statistics show that the incidents of what are described as hate crimes has declined over the last 10 years, for which we have data. In 1997 a total of 8,000 what are called "bias-motivated" criminal incidents were reported to the FBI. The data for 3 of the last 10 years, 2003 through 2005, demonstrated a steady decline in the number of those crimes, and the incidents as the present day approaches decline even further.

And, also, lastly, there is zero evidence that States are not fully prosecuting violent crimes that are motivated by hate or for any other reason. Every State in the Nation prohibits a variety of violent crimes that constitute "willfully causing bodily injury." For whatever the purpose of the will of causing bodily injury, those crimes are prosecuted. And for those who advocate hate crimes legislation, a Federalist note: 45 States and the District of Columbia already have specific laws punishing hate crimes.

Which brings me to my last objection to this Federal legislation, and that is the concern that I have about the threat to religious freedom and religious expression. The gentlewoman who just spoke said, memorably, that this is not a hate speech bill, this is a hate crimes bill. But because those 45 States already have legislation involving hate crimes, we can see how this kind of legislation actually operates in practice.

One case in particular, in 2004 in Philadelphia, 11 individuals were arrested at something called OutFest, which is a gay pride festival. These individuals held signs that displayed segments of the Holy Bible. They were arrested after protesting peacefully. They were charged with three felonies and five misdemeanors. Their felony charges included "possessions of instruments of crime," which apparently was a bullhorn; ethnic intimidation, which was apparently their statement that they believed as Biblical Christians that homosexuality is a sin; and also they were charged with inciting a riot for reading passages from the Bible related to that moral practice. Now, whether or not a riot occurred involving these Christians was debatable, but they faced \$90,000 in fines and possible 47-year prison sentences.

In San Francisco a city council enacted a resolution urging local broadcast media not to run advertisements by a pro-family group. In New York a pastor who rented billboards posting

Biblical quotations on sexual morality had them taken down by city officials who cited hate crime principles as justification.

We saw a new colleague today take that oath that we all take, and it was a solemn moment, Mr. Speaker. But we swear to support and uphold the Constitution, which reads, I remind my colleagues, "Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof."

We must not pass this hate crimes bill. It is unnecessary and it threatens that constitutional obligation that we have.

Mr. CONYERS. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts, who is Chair of the Finance Committee but previously has served his entire career on the House Judiciary Committee, and his name is BARNEY FRANK.

Mr. FRANK of Massachusetts. My thanks to the gentleman from Michigan, who has been such an extraordinary moral force in his leadership in the Judiciary Committee and under whom I was proud to serve.

Let me begin by saying apparently we have in Philadelphia one of the longest pending criminal cases in history because the gentleman from Indiana mentioned that people were arrested and charged in 2004. But he didn't tell us what happened to them. Well, he said it was terrible, they were charged. One would assume that people would be interested in knowing what happened.

I will tell the House what happened. The charges were dismissed. Now, the gentleman from Indiana apparently forgot to say that. Those arrests were false. They should not have taken place. But let me say this: If we were to repeal every criminal statute because some police officer may have made an improper arrest, things would be pretty anarchic.

I also do think if you're going to talk about an incident, certainly would be my practice, and if you talked about criminal charges and they were dismissed that you would say so, that you wouldn't leave people wondering. So I do want people who are worried about the fate of those poor people in Philadelphia who, if you listened to the gentleman from Indiana, these last 5 years have been facing felony charges, please don't worry. Those charges should not have been brought and they were dismissed. Now, you hear about that often because it's apparently the only case we do have. No one has been successfully prosecuted, nor should they be, for this.

Now, I do want to say this: I'm delighted to hear some of the most conservative Members of this House expressing support for free speech in this context. Only in this context. They have not been conspicuous in demanding the right of free speech, but I'll take it when I can get it.

There was a statute proposed here that interfered with the free speech of

a member of the clergy. Now, he is a lunatic member of the clergy named Phelps, and he was going and standing out at cemeteries and denouncing them on his religious grounds. I did not think people should be allowed to disrupt funerals, but I voted against the bill, along with my colleague from Texas (Mr. PAUL) and my colleague from Oregon (Mr. WU), and all the rest of these great defenders of free speech on the other side said he couldn't stand half a mile from the cemetery an hour before with his anti-gay sign. Now, I will confess that when he heard that I had come to his defense, that caused him more aggravation than anything else; so it was for me a twofer. I got to defend free speech and aggravate a lunatic. But I don't remember a lot of free speech defenses then because it wasn't popular.

Now, in addition to free speech, there is one other thing that's very interesting. You would think this is the first time hate crimes ever came up in American history. There are on the books statutes that increase the penalty for crimes depending on the motivation. And people say everybody should be treated equally. By the way, I assume Members know that there was a special statute that makes it particularly egregious in terms of sentencing if you assault a Member of Congress.

□ 1600

I assume nobody knew that on that side because they would have moved to repeal it. They apparently are perfectly comfortable getting a greater degree of Federal protection against crime than the average citizen.

Did they forget to repeal that? Where was that motion? Mr. Chairman, did that come up in the committee? Well, apparently not. But there were other categories, age and race.

Let's be very clear, Mr. Speaker. It is not the concept of hate crime protection that is controversial. We have had it and it has been administered. It is extending it to people like me, to those of us who are gay, to people who are transgender. And the assertion that there is no basis for protecting transgender people against violence, that's Marxist in its oddity.

And I mean by that, of course, Chico Marx, who said at one notable point when Groucho caught him red-handed, "Who are you going to believe—me or your own eyes?"

The fact is that crimes against people who are transgender have been very serious. I know they are not always prosecuted as well as they should have been. But I do want to stress, the notion of hate crimes, of increasing the penalty because of the motivation for certain characteristics of the victim, has not been controversial on the Republican side. They have made no effort to change it.

If they were really motivated by what they claim to be saying, or what they are saying, then they would be for repealing hate crimes in general. They

would be for repealing hate crimes based on race and age and other categories. It's only when it deals with gay people. And because in some people's minds saying that it's wrong to assault someone who is transgender may mean that you have to show some respect for that person.

Well, let me reassure them. I do think that there ought to be hate crimes protection against gay, lesbian and transgender people. By that I mean that if there is a physical crime, actions that are otherwise criminal, the fact that it is based on that prejudice should count.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional minute.

Mr. FRANK of Massachusetts. I thank the chairman.

I want to make it very clear. Yes, I do want there to be protection against violence committed against people like me, but let me reassure those, some on the other side. In asking that transgender people or people like me or people like my colleague from Wisconsin be protected against violence, I am not seeking your approval. Your approval of the way in which I live is not terribly important to me, I would say to them, Mr. Speaker, so I do want to differentiate.

Those of us who think that violence should be prevented are not asking for approval from people with whom we are perfectly prepared not to associate any more than necessary. This is not a request for acceptance. We don't want it. We don't need it from those people. What we are talking about is a protection against violence.

The last point is this. Why a hate crime? Because when someone is assaulted as an individual, that individual is put in fear. But when a group is assaulted because of race or religion or sexual orientation, members who aren't assaulted, if there's a pattern to this, are also put in fear. That's the rationale, and it applies here as well as elsewhere.

The SPEAKER pro tempore. The gentleman from Michigan has 30 seconds.

Mr. CONYERS. Mr. Speaker, I thank you.

I would like to congratulate the Members of the House for the debate that's occurred on the hate crimes legislation because of the very effective way that they have communicated their reservations about the way we approached the subject.

Mr. VAN HOLLEN. Madam Speaker, I rise today in strong support of the Local Law Enforcement Hate Crimes Prevention Act of 2009 of which I am a cosponsor.

Our country was founded on the bedrock principle of protecting individual freedoms. We need to protect the rights of individuals who are assaulted because of who they are.

This bipartisan bill provides local and state law enforcement agencies with the resources needed to combat the thousands of hate crimes that occur in our country each year. H.R. 1913 allows the Federal Government to

equip our local law offices with the tools they need to prosecute hate crimes and provides monetary relief to those agencies that have incurred extraordinary expenses associated with the investigation and prosecution of hate crimes.

Our nation thrives because of the freedoms we guarantee each of our citizens. Those liberties are at risk if hateful discrimination and violence are allowed to flourish and threaten the safety of individuals and our communities. Current federal hate crimes law authorizes federal aid in cases of violent crimes motivated by the victim's race, color, religion, or national origin. H.R. 1913 expands the federal definition of hate crime, allowing the Department of Justice to assist local authorities in cases of violent crimes committed against persons because of their gender, sexual orientation, gender identity, or disability.

I am proud to have voted for this legislation, as it will enhance civil rights protections and help protect individuals and our communities from the terror and anguish that hate crimes inflict.

Mr. PERRIELLO. Madam Speaker, although I could not cast my vote today due to scheduling conflicts, I would like to record my support for the Local Law Enforcement Hate Crimes Prevention Act. This legislation does two important things: it moves our communities one step closer towards having the support necessary to ensure that all Americans can live without fear and it advances the ongoing struggle to defend human rights.

This bipartisan bill reaffirms our commitment to protecting the rights of every individual citizen. It defends the dignity of all individuals and recognizes that no one should live in constant fear of hatred and discrimination. Importantly, it advances this goal while also protecting our Constitutional right to freedom of speech and of religious expression. Unlike many nations where individuals may be prosecuted for their words and beliefs, the United States remains firm in defending our ability to express our opinions and exercise our values without fear of legal action. Since the introduction of America's first hate crimes laws in 1968, such legislation has focused only on acts of violence, never on ideas, and this bill continues that commitment to the Constitution by explicitly stating that it cannot be used to limit our First Amendment rights, including the rights of faith leaders speaking from their pulpits. This legislation is a testament to the strength of our Constitution even in times of change.

The necessity of this bill has recently been highlighted in Virginia's 5th District, where several weeks ago an 18-year-old University of Virginia student and his friend were physically attacked in a parking lot because of their perceived sexual orientation. Such incidents remind us that there are still individuals who would use violence to intimidate and isolate others simply for who they are, and that hate crimes remain a serious and under-addressed problem in our communities.

These crimes not only target individual victims, but also terrorize entire communities. All individuals deserve to live free of fear of such attacks, and we must not allow violence inspired by hatred to go unpunished. Throughout our nation's history, we have been reminded that the principles of our founders endure, and so does their charge to us to remain vigilant in each generation about expanding

those freedoms. We continue to emerge from these struggles a stronger and better nation, truer to our values and closer to fulfilling our highest aspirations.

Mrs. MALONEY. Mr. Speaker, I rise in strong support of H.R. 1913, the "Local Law Enforcement Hate Crimes Prevention Act of 2009." As an original cosponsor of this legislation, I believe that H.R. 1913 is critically important to ensuring that those who commit hate crimes are appropriately prosecuted and punished. I want to commend Chairman CONYERS and the Democratic Leadership for bringing this legislation before the House of Representatives early in the 111th Congress so that we may finally get this bill to the President's desk.

Each story is tragic, someone who is assaulted or murdered because of nothing more than his or her race, gender, sexual orientation, or religion, for example. Someone who may have done nothing other than walk down a particular street, attend a certain house of worship, or simply be who they are. Today we send the important message that we will not tolerate these acts of violence by ensuring that local law enforcement agencies have the necessary resources to investigate and prosecute hate crimes.

On June 11, 2000, at the annual Puerto Rican Day parade in New York City, more than fifty women were sexually harassed and assaulted by a group of men. I was outraged not only that the attacks occurred, but that according to many of the victims, the police did not take their allegations seriously. Unfortunately, women are all too often targeted because of their gender.

Although the bill as reported out of committee does not include provisions from legislation that I have introduced, H.R. 823, the "Hate Crimes Statistics Improvement Act of 2009," I understand that this language will be included in future legislation that Chairman CONYERS intends to bring before the House of Representatives. The provisions included in my bill would ensure that hate crimes motivated by gender are accounted for by the FBI and local law enforcement agencies. Violence against women is a serious problem in this country. With accurate data, local communities will be better able to identify gender-based hate crimes in their area, ensure that the prosecution of such crimes is a priority, and chart their progress toward eliminating them.

H.R. 1913 is landmark legislation that I believe will go a long way in reducing violence in communities across this nation. I urge my colleagues to support the bill.

Mr. BLUMENAUER. Mr. Speaker, today I am proud to support the Local Law Enforcement Hate Crimes Prevention Act which will help prevent violence and ensure that justice is served.

The special attention that hate crimes require can easily stretch local law enforcement beyond their capacity. Many of these crimes go unreported, allowing the perpetrators to escape punishment. This is unacceptable.

The Local Law Enforcement Hate Crimes Prevention Act provides the necessary resources to state and local governments for the investigation and prosecution of these crimes. This kind of commitment to justice is the only

way to prevent such random acts of violence from occurring in the first place.

In my home state of Oregon, four hate crimes have been reported this year and in 2008, twenty-nine hate crimes were reported. Just last month, a man and his boyfriend were on a spring-break trip over the weekend when they were beaten unconscious on a beach in Seaside, Oregon. Last November, a 20-year-old woman was walking along a street in Aloha, Oregon, when the man asked for a cigarette. He asked if she was gay and when she said yes, he then started berating her about her sexual orientation. Eventually he pushed her and she fell to the ground. She tried to defend herself, but he knocked her back down and struck her in the head with a rock.

These violent crimes effectively terrorize the entire community and chip away at our freedoms. We must protect all our citizens—whether they are black, disabled, Christian, or gay.

Mr. BACA. Mr. Speaker, I urge my colleagues to vote in support of H.R. 1913—the Federal Local Law Enforcement Hate Crimes Prevention Act of 2009. This legislation has had bipartisan support during the 106th, 108th, 109th and the 110th Congresses.

Many law enforcement organizations throughout the nation have endorsed the bill. We have their support because local police and sheriffs' departments will get resources they need to help investigate and prosecute violent criminals.

The bill allows the Federal government to provide crucial federal resources to state and local agencies to equip local officers with the tools they need to prosecute hate crimes.

Everyone deserves to be protected and to feel safe in their communities. African Americans, Hispanics, disabled Americans, Christians, members of the GBLT community, and every other American deserve this right. And we should give our local law enforcement the tools and support necessary to ensure our safety. We are all created equal and should be afforded the same freedoms and protections.

H.R. 1913 will provide assistance to state and local law enforcement agencies and amend Federal law to facilitate the investigation and prosecution of bias-motivated crimes of violence.

I ask my colleagues to join me as we pass this much needed civil rights legislation.

Ms. WATERS. Mr. Speaker, I rise in strong support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009 and I am pleased to see the bill we reported out of the Judiciary Committee last week is on the House floor today.

I believe we finally have the opportunity to see this legislation signed into law and I encourage my colleagues to do the right thing today and support this bill.

We must ensure that all Americans can exercise their civil rights and be free from threats of violence against them because of their race, color, nationality, gender, age, disability or sexual orientation. It is past time to protect gays, lesbians, bisexuals and transgendered individuals from hate crimes. We must never

again allow an 11-year-old child to be so bullied and harassed that he sees no other option to end his torture by taking his own life.

In 2004 in Los Angeles, the 15-year-old son of movie producer Lee Caplin and his wife, Gita, received death threats by a group of students at his private high school. According to the police complaint, some of the messages directed at their son were anti-gay slurs among other epithets.

In 2007 in Los Angeles, a mentally disabled man was beaten to death by an unidentified man wielding an aluminum baseball bat. The victim was James McKinney, 41, who was walking to the store from his home, a mental health care facility. The attack was caught on surveillance camera, but the attacker is still at large.

The most recent data from the FBI is from 2007. It shows that in Los Angeles, there were 279 crimes categorized as motivated by bias: 132 crimes based on race; 50 crimes based on religion; 43 crimes based on sexual orientation; and 54 crimes based on ethnicity.

While I strongly support this bill today, I know that more work is needed, particularly in the area of crimes against the homeless. As Chair of the Financial Services Subcommittee on Housing, I can tell you that with the housing and foreclosure crisis we are facing, more and more Americans are becoming homeless. Sadly, the number of violent crimes against the homeless are increasing, and I believe a significant portion of these attacks are indeed hate crimes. The State of Maryland just recently became the first state in the nation to add homelessness to their hate crimes statute. They noted that from 1999 through 2007 there were 774 acts of violence against homeless men, women and children in 45 states and Puerto Rico. These attacks resulted in 217 deaths.

I'm looking forward to working with Chairman CONYERS and our Crime Subcommittee Chairman SCOTT to get accurate data on violent crimes and hate crimes against the homeless. It is important to get this data promptly, and then, after an appropriate hearing, we can determine if additional legislation is needed.

In closing, I commend Chairman CONYERS for his tireless work on this legislation and urge my colleagues to do the right thing today and vote to pass this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act. I have been a strong supporter of increased law enforcement support and protections against hate crimes for many years, and today's vote represents a historic step forward in recognizing and fighting against violent bias-motivated crimes.

Each year there are thousands of individuals who are targets of violent crime based solely on their appearance, means, or lifestyle. These hate crimes are not only meant to physically harm the victim, but degrade all individuals of similar identity and instill a pervasive sense of fear amongst that community. While each and every violent crime is traumatic, hate crimes are not only devastating for

the victim and their family, but for all individuals who identify with the victim, whether or not they actually knew that person.

Hate crimes are more prevalent than many may realize. Despite significant under-reporting, more than 100,000 hate crimes have been reported since 1991. In addition, the number of hate groups that exist within our country continues to rise; espousing a message of hatred and often plans of targeted violence.

This legislation will allow for much needed federal assistance in the prevention and prosecution of hate crimes, and provide money to states to develop hate crimes prevention programs. No American deserves to feel a threat to their physical safety simply because of who they are or how they look.

While I strongly support the passage of this legislation, I do believe there is a strong need to include homeless individuals into this bill. Often nameless and faceless victims of violence, homeless individuals are amongst the highest targeted groups for hate violence.

According to statistics collected by the National Coalition for the Homeless, there have been 774 violent acts perpetrated against homeless individuals since 1999. These attacks occurred in 235 cities throughout our country, in 45 states, and in one territory. 217 of these attacks resulted in death ranging from these individuals suffering severe beatings to being set on fire. Many of these incidents were committed by groups targeting the homeless, and some were even video-taped for future sale and amusement.

It is important that we recognize these acts as hate crimes at a federal level. Many states are currently considering the recognition of these violent acts as hate crimes, with Maryland having already done so. We cannot continue to ignore the plight of this group, and the fear and violence that have been experienced by scores of homeless individuals.

Mr. SMITH of Texas. Mr. Speaker, I would like to submit the following letter from four members of the U.S. Commission on Civil Rights who are opposed to H.R. 1913:

UNITED STATES COMMISSION  
ON CIVIL RIGHTS,  
Washington, DC, April 29, 2009.

Re: H.R. 1913

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

Hon. STENY H. HOYER,  
Majority Leader, House of Representatives,  
Washington, DC.

Hon. JAMES E. CLYBURN,  
Majority Whip, House of Representatives,  
Washington, DC.

Hon. JOHN BOEHNER,  
Minority Leader, House of Representatives,  
Washington, DC.

Hon. ERIC CANTOR,  
Minority Whip, House of Representatives,  
Washington, DC.

DEAR MADAM SPEAKER AND MESSRS. BOEHNER, CANTOR, CLYBURN AND HOYER: We write today to urge you to vote against the proposed Local Law Enforcement Hate Crimes Prevention Act (H.R. 1913) ("LLEHCPA"). Although time does not permit this issue to be presented for formal Commission action, we believe it is important for us to write as individual members to communicate our serious concerns with this legislation.

We believe that LLEHCPA will do little good and a great deal of harm. Its most important effect will be to allow federal au-

thorities to re-prosecute a broad category of defendants who have already been acquitted by state juries—as in the Rodney King and Crown Heights cases more than a decade ago. Due to the exception for prosecutions by "dual sovereigns," such double prosecutions are technically not violations of the Double Jeopardy Clause of the U.S. Constitution. But they are very much a violation of the spirit that drove the framers of the Bill of Rights, who never dreamed that federal criminal jurisdiction would be expanded to the point where an astonishing proportion of crimes are now both state and federal offenses. We regard the broad federalization of crime as a menace to civil liberties. There is no better place to draw the line on that process than with a bill that purports to protect civil rights.

While the title of LLEHCPA suggests that it will apply only to "hate crimes," the actual criminal prohibitions contained in it do not require that the defendant be inspired by hatred or ill will in order to convict. It is sufficient if he acts "because of someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability. Consider:

Rapists are seldom indifferent to the gender of their victims. They are virtually always chosen "because of their gender.

A robber might well steal only from women or the disabled because, in general, they are less able to defend themselves. Literally, they are chosen "because of their gender or disability.

While Senator Edward Kennedy has written that it was not his intention to cover all rape with LLEHCPA, some DOJ officials have declined to disclaim such coverage. Moreover, both the objective meaning of the language and considerable legal scholarship would certainly include such coverage. If all rape and many other crimes that do not rise to the level of a "hate crime" in the minds of ordinary Americans are covered by LLEHCPA, then prosecutors will have "two bites at the apple" for a very large number of crimes.

DOJ officials have argued that LLEHCPA is needed because state procedures sometimes make it difficult to obtain convictions. They have cited a Texas case from over a decade ago involving an attack on a black man by three white hoodlums. Texas law required the three defendants to be tried separately. By prosecuting them under federal law, however, they could have been tried together. As a result, admissions made by one could be introduced into evidence at the trial of all three without falling foul of the hearsay rule.

Such an argument should send up red flags. It is just an end-run around state procedures designed to ensure a fair trial. The citizens of Texas evidently thought that separate trials were necessary to ensure that innocent men and women are not punished. No one was claiming that Texas applies this rule only when the victim is black or female or gay. And surely no one is arguing that Texans are soft on crime. Why interfere with their judgment?

We are unimpressed with the arguments in favor of LLEHCPA and would be happy to discuss the matter further with you if you so desire. Please do not hesitate to contact any of us with your questions or comments. The Chairman's Counsel and Special Assistant, Dominique Ludvigson, is also available to further direct your inquiries at [dludvigson@usccr.gov](mailto:dludvigson@usccr.gov) or at (202) 376-7626.

Sincerely,

GERALD A. REYNOLDS,  
Chairman.

GAIL L. HERIOT,  
Commissioner.

TODD GAZIANO,  
Commissioner.  
PETER N. KIRSANOW,  
Commissioner.

Mrs. BIGGERT. Mr. Speaker, I rise today in strong support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009.

This legislation will include penalties in the federal code for crimes that are motivated by race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

Further, H.R. 1913 allows the Department of Justice to make grants to support State and local programs designed to combat hate crimes, particularly those committed by juveniles. Finally, the bill supports programs to train local law enforcement officers in investigating, prosecuting, and preventing hate crimes. In this way, the bill empowers state and local officials to investigate and prosecute these crimes without limiting their jurisdiction or authority.

I have heard concerns from some of my constituents that this legislation could infringe on the right to free speech. I could never support a bill that does that. In fact, Section 10 of the bill contains a specific exemption that clarifies that speech, no matter how hateful, is not criminalized under this act. Only violent acts by those who willfully cause bodily injury are prohibited. I strongly oppose attempts to limit anyone's right to free speech or put one class of people above another.

While all acts of violence are deplorable, hate crimes are specifically meant to intimidate and frighten an entire group of people because of prejudice on the part of the perpetrator. Violent acts that are meant to terrorize American citizens should not go unpunished.

I urge you to support H.R. 1913.

Mr. MORAN of Virginia. Mr. Speaker, I rise today to express my strong support of the Local Law Enforcement Hate Crimes Prevention Act.

This bill will extend federal hate crimes law to protect individuals targeted because of their sexual orientation, gender, gender identity, or disability. Since the federal government began collecting data in 1991, over 100,000 hate crimes have been reported by state and local officials; but, most analysts believe this data significantly underreports the actual number of hate crimes. During this time period, approximately 16% of hate crimes were perpetrated because of a person's sexual orientation. With 1,265 reported incidents in 2007, sexual orientation is the third most common target of hate-based violence, trailing only race and religion. This bill is a logical improvement to existing federal law and is needed to ensure that the federal government has the jurisdiction to assist in all cases of hate-based violence.

In addition to expanding the categories of hate crimes, this legislation would allow the Justice Department to aid the investigation and prosecution of hate crimes at the local level through technical assistance and supplemental funding. The cost of investigating and prosecuting these often high-profile cases can be prohibitive for a local community, forcing them to spend precious resources on one case. In these instances, it is essential for the federal government to be able to provide assistance to ensure that justice is served without unduly burdening local resources.

Finally, this bill would require the Justice Department to expand its tracking of hate

crimes to include crimes based on gender or gender identity. The federal government currently collects data on hate crimes committed due to sexual orientation and disability, but not for gender or gender identity. This expanded resource will provide law enforcement officials the information they need to more accurately gauge the prevalence of hate crimes and to evaluate efforts to combat this violence.

The Local Law Enforcement Hate Crimes Prevention Act is an overdue step towards addressing all forms of hate-based violence that traumatize communities across the country. Hate crimes have a chilling effect beyond a particular victim, spreading fear of future attacks among the targeted group. Congress cannot prevent hate from motivating individuals to commit violence, but we can ensure that the proper laws and resources are available to prosecute these cases to the fullest extent of the law. That is what this bill does, and I ask all of my colleagues to support it.

Mr. ISRAEL. Mr. Speaker, I rise today to urge my colleagues to support H.R. 1913, the Matthew Shepard Act.

Many of my colleagues have already spoken informatively about the bill's provisions, how it will focus on enhancing resources at the local and state level for combating hate crimes, and how it will enable local and state officials to prosecute people who commit hate crimes. These are all important reasons to vote for this bill.

I want to tell you the story of a hate crime that happened in my community.

Marcelo Lucero lived in Patchogue, NY and was walking home one evening when a car load of teenage boys surrounded, beat and murdered him.

He was walking home, and they were out looking for someone who looked Hispanic. One of the defendants later told the police, "I don't go out and do this very often, maybe once a week."

Now, what happened to Marcelo Lucero is wrong when it happens to any person.

But what makes a hate crime so disturbing is that it's not simply aimed at the victim.

An entire community gets the message—you are not welcome here. And, what makes the story of his attackers so disturbing is the casualness of their attitude.

It reflects a comfortableness that is unacceptable in any community.

That is why I'm supporting this bill and why I urge my colleagues to support this bill: it sends a message back to those who would commit a hate crime. And that message is that hate is not welcome in my community.

I would like to thank Chairman COYERS for the time to speak and his leadership on this important issue.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I rise today as a cosponsor and strong supporter of the Local Law Enforcement Hate Crimes Prevention Act of 2009.

Ten years have now passed since a University of Wyoming student was tied to a fence and fatally beaten just because he was gay. In the time since, we've seen a Texas man dragged to his death by a truck just because he was black and a woman brutally beaten and killed with a fire extinguisher just because she was transgendered. We've even seen young children at day camp shot just because they were Jewish.

Passage of comprehensive federal hate crime legislation that would allow the Depart-

ment of Justice to assist state and local jurisdictions unable or unwilling to prosecute violent, bias-motivated crimes is long overdue.

Mr. Speaker, as a former Constitutional law professor at West Point, I want to make something perfectly clear. Nothing in this bill impinges the right of an individual's freedom of speech as guaranteed under the First Amendment of the Constitution. The ability to think or express sentiments repulsive to most members of society absent the fear of legal recrimination is part of what makes this country great and free. The ability to prosecute to the fullest extent of the law those who cause injury or death to an individual because of who they are or what they believe is also what makes this country great and free.

Ensuring that states and local law enforcement throughout the United States have the resources they need to go after the perpetrators of these crimes is not just something we owe to the victims and their families. It also helps to free the rest of society—particularly members of the group to which the victim identified—from being intimidated by the hatred of a few.

I urge my colleagues to support this bill and send a clear message that those who injure or kill another human being because of who they are will be brought to justice for their crimes.

Mr. WAXMAN. Mr. Speaker, hate crimes are fundamentally different from other crimes. Hate crimes—violent acts that target victims precisely because of who they are, or are perceived to be—aim to terrorize, intimidate, and oppress an entire class of people. They are assaults not just on those victims, but on an entire community. When the perpetrators of these acts are not held accountable, we suffer as a nation.

As a cosponsor of the Matthew Shepard Act, I look forward to its enactment into law. Today there are only 11 States that have hate crime laws that cover both gender and sexual orientation. By expanding the federal definition of a hate crime to include one based on sexual orientation, disability, or gender, we take the first step toward reducing these violent acts across the country.

This legislation will provide much-needed federal support for local law enforcement so that police can more effectively identify, investigate, and prosecute hate crimes. By joining together at all levels, we can help build safer and more tolerant communities. I urge my colleagues to support this important bill.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 372, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. GOHMERT. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GOHMERT. Yes.

Mr. CONYERS. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gohmert moves to recommit the bill H.R. 1913 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 8, line 11, insert "and shall be subject to the penalty of death in accordance with chapter 228," after "or both,".

Page 9, line 11, after "or both," insert "and shall be subject to the penalty of death in accordance with chapter 228,".

Page 9, line 4, strike "or".

Page 9, line 4, insert ", age, status as a current or former member of the Armed Forces, or status as a law enforcement officer" after "disability".

Page 8, beginning in line 19, strike "OR DISABILITY" and insert "DISABILITY, AGE, STATUS AS A CURRENT OR FORMER MEMBER OF THE ARMED FORCES, OR STATUS AS A LAW ENFORCEMENT OFFICER".

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that there would be agreement to dispense with that portion of the motion dealing with the armed services.

Mr. GOHMERT. I would object.

The SPEAKER pro tempore. Does the gentleman from Michigan care to reserve his point of order?

Mr. CONYERS. No, sir, I do not.

The SPEAKER pro tempore. The reservation is withdrawn.

The gentleman from Texas is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, the motion to recommit is simple and straightforward. It adds three categories to the list of groups in this bill and provides the death penalty for certain hate crime offenses.

I would like to address what our friend from Massachusetts has indicated when he talked about the people who were arrested for their Christian position, nonviolent, and he kept indicating the charges were dismissed.

But as my friend from Massachusetts would surely know, when you can arrest people, even if you don't pursue charges, it has a chilling effect. Over and over it has a chilling effect.

And, also, there was some inference in his comments that we may believe that transgender individuals who were not worthy of being defended under the law or were not victims, I wasn't sure, but the truth is every American deserves to be equally protected. That is the law. That's the way it should be. That's the way wherever you go in the country. You don't find cases that are held up as poster cases for hate crimes that justify the hate crimes.

The James Byrd family, bless their hearts, I grieved with them. And based on the evidence that was presented, it was clear that these defendants committed a violent crime for which they should have gotten the death penalty. The two that did got it appropriately. This bill will not affect that case one bit. It will not affect it.

So we have tried to say, look, please don't divide us. Don't keep dividing into different categories and say these deserve more protection than these. Treat us all the same. That has fallen on deaf ears.

Every amendment was voted down in committee that we tried to present to make it more clear and to treat Americans equally. It's clear the majority has the votes to move forward and pass this. So our effort is then to add other worthy classes to this.

For example, in 2004, Private First Class Foster Barton of Grove City, Ohio, was brutally beaten. Six witnesses who didn't know Barton said the person that beat him up was screaming profanities and crude remarks about U.S. soldiers.

In 2007, a Syracuse woman pleaded guilty for spitting in the face of a Fort Drum soldier she didn't know.

These things happen. My friend from Florida in committee had indicated that she was not sure it appeared that the military should be added as a protected class under this bill, that not necessarily were they victims.

But I can tell you personally, having been spat at and on, after Vietnam, when I was at Fort Riley, Kansas, and we were ordered not to wear our uniforms off post in our platoon because of violence that was being done to servicemembers. It still happens. It still happens.

And witness the unseemly events outside some of our military hospitals by those who are so very insensitive. Now even the administration is targeting returning veterans as potential extremists. As the report said, "Returning veterans possess combat skills and experience that are attractive to right-wing extremists." Even the administration is trying to target veterans. So we would hope that they were included.

And there is absolutely no question that law enforcement officers are frequently targeted specifically because of who they are and because they are wearing the uniform and attempting to protect all the rest of us. We have so many brave public servants. Even in this building people have given their lives so that others in the building could have theirs. That needs to be honored.

The statistics show that even though the number of hate crimes, or crimes reportedly committed because of bias or prejudice, are lower now than they were 10 years ago. Those crimes have increased against law enforcement.

Age is another class that should be protected. The statistics are clear, and we have seen film evidence of elderly being attacked because they were perceived as elderly and less able to protect themselves. They deserve to be protected. These are classes that should be.

And then we come to another issue, and that is the fact that the hate crimes bill, as proposed, will not affect one of the hate crime bills held up so far as a poster case. We will add the death penalty so it can make a difference in those places where there was a horrible heinous crime. This will make a difference.

Mr. CONYERS. I rise in opposition to this motion, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. I thank you.

I suppose this is the parliamentary part of the legislative process that a motion to recommit has to be entertained, but before I begin my discussion about the regrets of it, I still insist on complimenting the Members of the House of Representatives who have understood that there are particular acts of violence against the law that are intolerable and should be dealt with as effectively as possible.

The question is what is the most effective way.

Now, what we have been proposing, since 1968, during the civil rights era, where there was an inability to seek prosecution of violators of civil rights laws at the State level, a southern President, Lyndon Johnson, began realizing that there had to be a Federal method of dealing with certain crimes that were not only violent to the victims but served to send a message of intimidation to others in that same class or group. Those groups, we have listed.

These groups are being denied the most fundamental protection of liberty. They are targeted for the most extreme violence by extremists who have decided, in their own warped view of how we should exist among each other in our society, as people who don't deserve to have life.

□ 1615

The groups that are on this protected list and are identified as where hate crime laws kick in are being protected in the same way that has been going on all the way back these many years, since 1968.

The targets are not only the particular individuals who are attacked, but an extension of everyone in the group. The unmistakable intended threat to all is that not only are you not welcome, but you are despised, and you are not safe, and we are coming after you.

But this motion seeks simply to ignore these essential facts.

Let me talk about the three areas mentioned. The armed services, for example. While people who are disturbed at governmental policies and may direct anger at the military, members of the armed services are not victims of bias-based prejudice or hatred. To the contrary, they are honored for their service to our Nation, with national holidays in their honor, memorials, and other economic benefits, all of which are deserved. But they are not in the same situation as the groups we are seeking to protect in this bill. Besides, specific protections for members of the armed services already exist in the Federal law—it makes killing someone in the military a capital crime.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 185, nays 241, not voting 7, as follows:

[Roll No. 222]

YEAS—185

Aderholt	Foxx	Miller (FL)
Akin	Franks (AZ)	Miller (MI)
Alexander	Frelinghuysen	Miller (NC)
Altire	Gallegly	Miller, Gary
Arcuri	Garrett (NJ)	Minnick
Austria	Gerlach	Mitchell
Bachmann	Gingrey (GA)	Moran (KS)
Bachus	Gohmert	Murphy, Tim
Barrett (SC)	Goodlatte	Myrick
Barrow	Graves	Neugebauer
Bartlett	Griffith	Nunes
Barton (TX)	Guthrie	Nye
Bilbray	Hall (TX)	Olson
Bilirakis	Halvorson	Paulsen
Bishop (UT)	Harper	Pence
Blackburn	Hastings (WA)	Petri
Blunt	Heller	Pitts
Bocchieri	Hensarling	Poe (TX)
Boehner	Herger	Posey
Bonner	Herseth Sandlin	Radanovich
Boozman	Holden	Rehberg
Boren	Hunter	Reichert
Boustany	Inglis	Richardson
Brady (TX)	Issa	Roe (TN)
Broun (GA)	Johnson (IL)	Rogers (AL)
Brown (SC)	Johnson, Sam	Rogers (KY)
Brown-Waite,	Jones	Rogers (MI)
Ginny	Jordan (OH)	Rohrabacher
Buchanan	King (IA)	Rooney
Burton (IN)	King (NY)	Roskam
Buyer	Kingston	Royce
Calvert	Kirk	Ryan (WI)
Camp	Klein (FL)	Scalise
Campbell	Kline (MN)	Schmidt
Cantor	Lamborn	Schock
Capito	Lance	Sensenbrenner
Carter	Latham	Sessions
Cassidy	LaTourette	Shadegg
Castle	Latta	Shimkus
Chaffetz	Lee (NY)	Shuster
Childers	Lewis (CA)	Simpson
Coble	Linder	Smith (NE)
Coffman (CO)	Lipinski	Smith (TX)
Cole	LoBiondo	Souder
Conaway	Lucas	Space
Costa	Luetkemeyer	Stearns
Cuellar	Lummis	Sullivan
Culberson	Lungren, Daniel	Taylor
Davis (AL)	E.	Terry
Davis (KY)	Manzullo	Thompson (PA)
Deal (GA)	Marchant	Thornberry
Dent	Marshall	Tiahrt
Diaz-Balart, L.	Matheson	Tiberi
Diaz-Balart, M.	McCarthy (CA)	Turner
Dreier	McCaul	Walden
Duncan	McClintock	Westmoreland
Emerson	McCotter	Whitfield
Fallin	McHenry	Wilson (SC)
Flake	McHugh	Wittman
Fleming	McKeon	Wolf
Forbes	McMorris	Young (AK)
Fortenberry	Rodgers	Young (FL)
Foster	Mica	

NAYS—241

Abercrombie	Berkley	Boyd
Ackerman	Berman	Brady (PA)
Adler (NJ)	Biggart	Brale (IA)
Andrews	Bishop (GA)	Bright
Baca	Bishop (NY)	Brown, Corrine
Baird	Blumenauer	Cao
Baldwin	Bono Mack	Capps
Bean	Boswell	Capuano
Becerra	Boucher	Cardoza

Carnahan Jackson-Lee  
Carney (TX)  
Carson (IN) Jenkins  
Castor (FL) Johnson (GA)  
Chandler Johnson, E. B.  
Clarke Kagen  
Clay Kanjorski  
Cleaver Kaptur  
Clyburn Kennedy  
Cohen Kildee  
Connolly (VA) Kilpatrick (MI)  
Conyers Kilroy  
Cooper Kind  
Costello Kirkpatrick (AZ)  
Courtney Kissell  
Crenshaw Kosmas  
Crowley Kratovil  
Cummings Kucinich  
Dahlkemper Langevin  
Davis (CA) Larsen (WA)  
Davis (IL) Larson (CT)  
Davis (TN) Lee (CA)  
DeFazio Levin  
DeGette Lewis (GA)  
Delahunt Loeb sack  
DeLauro Lofgren, Zoe  
Dicks Lowey  
Dingell Lujan  
Doggott Lynch  
Donnelly (IN) Mack  
Doyle Maffei  
Driehaus Maloney  
Edwards (MD) Markey (CO)  
Edwards (TX) Markey (MA)  
Ehlers Massa  
Ellison Matsui  
Ellsworth McCarthy (NY)  
Engel McCollum  
Eshoo McDermott  
Etheridge McGovern  
Farr McIntyre  
Fattah McMahon  
Filner McNeerney  
Frank (MA) Meek (FL)  
Fudge Meeks (NY)  
Giffords Melancon  
Gonzalez Michaud  
Gordon (TN) Miller, George  
Grayson Mollohan  
Green, Al Moore (KS)  
Green, Gene Moore (WI)  
Grijalva Moran (VA)  
Gutierrez Murphy (CT)  
Hall (NY) Murphy (NY)  
Hare Murphy, Patrick  
Harman Murtha  
Hastings (FL) Nadler (NY)  
Heinrich Napolitano  
Higgins Neal (MA)  
Hill Oberstar  
Himes Olver  
Hinchev Ortiz  
Hinojosa Pallone  
Hirono Pascrell  
Hodes Pastor (AZ)  
Hoekstra Paul  
Holt Payne  
Honda Perlmutter  
Hoyer Peters  
Inslee Peterson  
Israel Pingree (ME)  
Jackson (IL) Platts

NOT VOTING—7

Berry Granger Teague  
Burgess Perriello  
Butterfield Stark

□ 1644

Messrs. KIND, FARR, BISHOP of Georgia, PETERSON, RUSH, MORAN of Virginia, WAMP, CARDOZA, McMAHON, LYNCH and ADLER of New Jersey and Mrs. TAUSCHER, Ms. LEE of California, Ms. WOOLSEY, Ms. SPEIER and Ms. TITUS changed their vote from “yea” to “nay.”

Messrs. WILSON of South Carolina, DUNCAN and LUETKEMEYER changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 175, not voting 10, as follows:

[Roll No. 223]

AYES—249

Abercrombie Foster  
Ackerman Frank (MA)  
Adler (NJ) Frelinghuysen  
Altmire Fudge  
Andrews Gerlach  
Arcuri Giffords  
Baca Gonzalez  
Baird Grayson  
Baldwin Green, Al  
Barrow Green, Gene  
Bean Grijalva  
Becerra Gutierrez  
Berkley Hall (NY)  
Berman Halvorson  
Biggart Hare  
Bishop (GA) Harman  
Bishop (NY) Hastings (FL)  
Blumenauer Heinrich  
Boccheri Herse th Sandlin  
Bono Mack Higgins  
Boswell Hill  
Boucher Himes  
Boyd Hinchev  
Brady (PA) Hinojosa  
Hirono Braley (IA)  
Hodes Brown, Corrine  
Cao Holden  
Capps Holt  
Capuano Honda  
Cardoza Hoyer  
Carnahan Inslee  
Carson (IN) Israel  
Cassidy Jackson (IL)  
Castle Jackson-Lee  
Castor (FL) (TX)  
Chandler Johnson (GA)  
Clarke Johnson, E. B.  
Clay Kagen  
Cleaver Kanjorski  
Clyburn Kaptur  
Coffman (CO) Kennedy  
Cohen Kildee  
Connolly (VA) Kilpatrick (MI)  
Conyers Kilroy  
Cooper Kind  
Costa Kirk  
Costello Kirkpatrick (AZ)  
Courtney Kissell  
Crowley Klein (FL)  
Cuellar Kosmas  
Cummings Kratovil  
Dahlkemper Kucinich  
Davis (CA) Lance  
Davis (IL) Langevin  
DeFazio Larsen (WA)  
DeGette Larson (CT)  
Delahunt Lee (CA)  
DeLauro Levin  
Dent Lewis (GA)  
Diaz-Balart, L. Lipinski  
Diaz-Balart, M. LoBiondo  
Dicks Loeb sack  
Dingell Lofgren, Zoe  
Doggott Lowey  
Doyle Lujan  
Driehaus Lynch  
Edwards (MD) Maffei  
Edwards (TX) Maloney  
Ellison Markey (CO)  
Ellison Markey (MA)  
Engel Marshall  
Eshoo Massa  
Etheridge Matheson  
Farr Matsui  
Fattah McCarthy (NY)  
Filner

Sutton Van Hollen  
Tauscher Velázquez  
Thompson (CA) Visclosky  
Thompson (MS) Walden  
Tierney Walz  
Titus Wasserman  
Tonko Schultz  
Towns Waters  
Tsongas Watson

NOES—175

Aderholt Garrett (NJ)  
Akin Gingrey (GA)  
Alexander Gohmert  
Austria Goodlatte  
Bachmann Gordon (TN)  
Bachus Graves  
Barrett (SC) Griffith  
Bartlett Guthrie  
Barton (TX) Hall (TX)  
Bilbray Harper  
Bilirakis Hastings (WA)  
Bishop (UT) Heller  
Blackburn Hensarling  
Blunt Herger  
Boehner Hoekstra  
Bonner Hunter  
Boozman Inglis  
Boren Issa  
Boustany Jenkins  
Brady (TX) Johnson (IL)  
Bright Johnson, Sam  
Broun (GA) Jones  
Brown (SC) Jordan (OH)  
Brown-Waite, King (IA)  
Ginny King (NY)  
Buchanan Kingston  
Burton (IN) Klaine (MN)  
Buyer Lamborn  
Calvert Latham  
Camp LaTourette  
Campbell Latta  
Cantor Lee (NY)  
Capito Lewis (CA)  
Carney Linder  
Carter Lucas  
Chaffetz Luetkemeyer  
Childers Lummis  
Coble Lungren, Daniel  
Cole E.  
Conaway Mack  
Crenshaw Manzullo  
Culberson Marchant  
Davis (AL) McCarthy (CA)  
Davis (KY) McCaul  
Davis (TN) McClintock  
Deal (GA) McCotter  
Donnelly (IN) McHenry  
Dreier McHugh  
Duncan McIntyre  
Ehlers McKeon  
Ellsworth McMorris  
Emerson Rodgers  
Fallin Melancon  
Flake Mica  
Fleming Miller (FL)  
Forbes Miller (MI)  
Fortenberry Miller, Gary  
Foxy Moran (KS)  
Franks (AZ) Murphy, Tim  
Gallegly Myrick

NOT VOTING—10

Berry Miller, George Stark  
Burgess Murtha Teague  
Butterfield Perriello  
Granger Ruppertsberger

□ 1655

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE OBSERVANCE OF NATIONAL CHILD ABUSE PREVENTION MONTH

The SPEAKER pro tempore (Mr. WALZ). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 337.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the Northern Mariana Islands (Mr. SABLON) that the House suspend the rules and agree to the resolution, H. Res. 337.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### PROTECTING INCENTIVES FOR THE ADOPTION OF CHILDREN WITH SPECIAL NEEDS ACT OF 2009

Mr. McDERMOTT. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 735) to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 735

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Incentives for the Adoption of Children with Special Needs Act of 2009”.

##### SEC. 2. ELIMINATION OF RESTRICTION ON PAYMENTS FOR FISCAL YEAR 2008.

Effective as if included in the enactment of the Omnibus Appropriations Act, 2009 (Public Law 111–8), title II of division F of such Act is amended under the heading “CHILDREN AND FAMILIES SERVICES PROGRAMS” under the heading “ADMINISTRATION FOR CHILDREN AND FAMILIES”, by striking “That without regard to the fiscal year limitations set forth in section 473A of the Social Security Act, from the amounts appropriated herein, the Secretary shall pay adoption incentives for fiscal year 2008 in the same manner as such incentives were awarded in fiscal year 2008 for the previous fiscal year: *Provided further,*”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. McDERMOTT) and the gentleman from Georgia (Mr. LINDER) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

##### GENERAL LEAVE

Mr. McDERMOTT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and ex-

clude extraneous material on this bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. McDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last fall, Congress passed bipartisan legislation that provided broad improvements to our Nation’s child welfare system. The legislation, the Fostering Connections to Success and Increasing Adoptions Act, won unanimous approval in both the House and Senate last fall and was signed into law a short time later.

The landmark legislation represented the most significant reform in the child welfare system in over a decade.

Among the provisions of the Fostering Connections to Success and Increasing Adoptions Act was the reauthorization and improvement of the Adoption Incentives Program. To encourage and reward States for increasing the number of children who are able to leave the public foster care system for a safe, permanent and loving adopted home, Congress established the Adoption Incentives Program in 1997 as part of the Adoption and Safe Families Act. The Adoption Incentives Program provides States with financial incentives for increasing, above a certain specific baseline, the number of adoptive families for children in foster care, particularly for those with disabilities or with other special needs or for older youth.

The bill under consideration, the Protecting Incentives for the Adoption of Children with Special Needs Act of 2009, will ensure that the improvements made to the Adoption Incentives Program last fall are implemented as Congress intended.

The bipartisan bill eliminates a restriction that was inadvertently placed in the Adoption Incentives Program by the Omnibus Appropriations Act of 2009. The Omnibus Appropriations Act included a provision that required the Department of Health and Human Services, or HHS, to pay adoption incentive payments awarded for fiscal year 2008 in the same manner as they were awarded in the previous years. The provision was prior to the changes being made to the program of the Fostering Connections to Success and Increasing Adoptions Act.

The bill before us simply eliminates the provision included in the Omnibus Appropriations Act, thereby allowing HHS to base upcoming award payments on the new criteria established by last fall’s bipartisan child welfare legislation. Removing the inadvertent provision will ensure that the newly reauthorized and improved Adoption Incentives Program is operated as intended by Congress.

I reserve the balance of my time.

Mr. LINDER. I thank the gentleman from Washington for bringing this bill to the floor.

Mr. Speaker, I rise in support of the Protecting Incentives for the Adoption of Children with Special Needs Act of 2009. This bipartisan legislation makes an important technical fix to ensure that Congress’ intent is carried out and that States have improved financial incentives to help more children in foster care find permanent, loving adoptive homes.

This legislation continues a long tradition of bipartisan activity by the Ways and Means Committee, a tradition designed to promote the adoption of children from foster care. In 1997, the committee played a key role in crafting the landmark Adoption and Safe Families Act; in 2003 the Adoption Promotion Act; and last fall the Fostering Connections to Success and Increasing Adoptions Act of 2008. These laws streamline the adoption process. They encourage more efforts to quickly move children from foster care into permanent, loving homes, and they helped achieve the dramatic increases in the number of children successfully adopted from foster care in the past decade. In each case, the legislation was designed to benefit children who face some of the most daunting personal challenges in our country—those who have spent years, sometimes practically all of their lives, in the foster care system.

The legislation before us today would ensure the goals of last year’s bipartisan Fostering Connections law are realized. That legislation encouraged increased adoptions from foster care by revising the Adoption Incentives Program and by extending its authorization through fiscal year 2013.

Among other improvements, the Fostering Connections law gave States more generous Federal funds if they helped more families adopt children now languishing for years in foster care, especially older and disabled children.

Unfortunately, the fiscal year 2009 omnibus appropriations bill, which passed through the House with limited consideration, included an error that effectively overrides some of the improvements in last year’s Fostering Connections law. In short, the omnibus bill incorrectly stipulated that adoption incentive funds should be provided under the old, less generous rules Congress wanted to replace instead of the new, more generous rules included in the Fostering Connections law.

This legislation makes a simple repair of ensuring that congressional intent is followed so that States have the full intended incentives to promote the adoption of older and disabled children in foster care, among others. According to the Congressional Budget Office, this technical fix has no cost.

I would like to thank my colleagues, Representatives CAMP and RANGEL—ranking member and chairman of the House Committee on Ways and Means respectively—for introducing legislation to correct this error in the House. Their bill, H.R. 1840, is identical to the

legislation before us, S. 735, which Senators BAUCUS and GRASSLEY introduced in the Senate and worked to pass earlier this month.

I encourage all Members to support this important legislation so it can be signed into law as quickly as possible.

APRIL 15, 2009.

Hon. CHARLES RANGEL, *Chairman*,  
Hon. DAVE CAMP, *Ranking Member*,  
*Committee on Ways and Means, House of Representatives, Washington, DC.*

DEAR REPRESENTATIVES RANGEL AND CAMP: On behalf of the American Public Human Services Association (APHSA) and its affiliate the National Association of Public Child Welfare Administrators (NAPCWA), we applaud and support your efforts to fix the incentive program for states that increase their numbers of adoptions from foster care and support H.R. 1840.

As you know, the adoption incentive program, originally part of the Adoption and Safe Families Act of 1997 (P.L. 105-89), was reauthorized in the previous Congress through the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351). States perform well when provided with incentives. Between 1998 and 2006, states received approximately \$211 million in incentive bonuses for increasing the number of children adopted from foster care. During the same time period, nearly half a million children were adopted from state custody. Today, the waiting child population tends to have higher special needs and may pose challenges for caseworkers to find families willing to adopt them.

The reauthorizing language reset the base number of adoptions a state needs to finalize to earn an incentive bonus to FY 2007. For each child adopted above that baseline, a state will continue to receive \$4,000. Recognizing that older children and children with special needs may be more difficult to place in adoptive homes, Congress improved the bonus awards. The incentive amount for adopted children nine or older increased from \$4,000 to \$8,000 and adopted special needs children increased from \$2,000 to \$4,000. For the first time, Congress also added an increased rate of adoptions bonus for states. To earn this bonus, states must achieve a "foster care adoption rate" that exceeds its previous "highest ever foster child adoption rate" back to 2002 adoption numbers. Moreover, states now have 24 months to spend incentive funds on any Title IV-E and IV-B programs.

These were significant improvements to the program that would help many children languishing in foster care find permanent loving homes with adoptive families. However, due to an oversight, the recent Omnibus 2009 Appropriations Act (P.L. 111-8) changed the adoption incentive program back to pre-Fostering Connections. Prior to the reset of the baseline, many states were unable to reach continued higher goals of finalized adoptions and the numbers of children waiting to be adopted were starting to decline in many states.

On behalf of those that work so diligently to find homes for waiting children, we thank you for fixing this oversight. You are true champions for our nation's most vulnerable children.

Sincerely,

JERRY FRIEDMAN,  
*Executive Director.*

AMERICAN HUMANE,  
*Alexandria, VA, April 27, 2009.*

Re HR 1840—Protecting Incentives for the Adoption of Children with Special Needs Act of 2009.

Hon. CHARLES RANGEL, *Chairman*,  
Hon. DAVE CAMP, *Ranking Member*,  
*Committee on Ways and Means, House of Representatives, Washington, DC.*

DEAR REPRESENTATIVES RANGEL AND CAMP: American Humane supports HR 1840, the Pro-

tecting Incentives for the Adoption of Children with Special Needs Act of 2009, which would ensure that States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351).

American Humane is a national, non-partisan membership organization that was founded in 1877 to protect the welfare of children and animals. Our support for the Protecting Incentives for the Adoption of Children with Special Needs Act reflects an over 100-year history of progressively advocating at the federal, state and local levels for laws that protect children and animals from abuse and neglect.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 reset the base number of adoptions a state needs to finalize to earn an incentive bonus to FY 2007. Recognizing that older children and children with special needs may be more difficult to place in adoptive homes, Congress improved the bonus awards. Congress also added an increased rate of adoptions bonus for states. To earn this bonus, states must achieve a "foster care adoption rate" that exceeds its previous "highest ever foster child adoption rate" back to 2002 adoption numbers.

However, due to an oversight, the recent Omnibus 2009 Appropriations Act (P.L. 111-8) changed the adoption incentive program back to pre-Fostering Connections. HR 1840 will restore the reset of the baseline to help give more children permanent homes.

Thank you for your leadership on such an important issue. We look forward to continuing to work with you. Please do not hesitate to contact Patty Chávez, Legislative Analyst, if we can be of further assistance.

Sincerely,

ALLIE PHILLIPS,  
*Director of Public Policy.*

PATTY CHÁVEZ,  
*Legislative Analyst.*

Mr. CAMP. Mr. Speaker, I am pleased to support S. 735, the "Protecting Incentives for the Adoption of Children with Special Needs Act of 2009."

Throughout my time in Congress, I have built on the lessons I learned working as an attorney helping families with their adoption proceedings. As a Member of the Committee on Ways and Means, I have been privileged to continue working on these issues, helping parents adopt children and form loving families. I am still impressed with the number of individuals, organizations, and legislators interested in the well-being and development of children and in encouraging more families to take in and adopt children in foster care.

Congress has made important strides improving the adoption process, by enacting my legislation, the Adoption and Safe Families Act, in 1997, followed by the Adoption Promotion Act in 2003. Additionally, just last fall I was pleased to support the Fostering Connections to Success and Increasing Adoptions Act of 2008, which was enacted with bipartisan and bicameral support. The legislation further encouraged adoptions from foster care by revising the Adoption Incentives program and extending its authorization through fiscal year 2013. Among other improvements, this law gave States more generous Federal incentive funds if they succeed in helping more families adopt children now languishing for years in foster care—especially older and disabled children.

Unfortunately, the fiscal year 2009 Omnibus Appropriations bill (P.L. 111-8), which passed through the House with limited consideration, included a flawed provision that effectively overrides the improvements to the Adoption Incentive program made in last year's Fostering Connections law.

In short, the Omnibus bill incorrectly stipulated that Adoption Incentive funds should be provided under the "old", less generous rules Congress wanted to replace, instead of the "new", more generous rules included in the Fostering Connections law. That means States would have less incentive to pursue the adoption of older and disabled children in foster care, among others, because they would receive less Federal funds if they are successful in achieving those goals.

We can't know for sure which States would lose if this fix is not made, because we don't yet know which States will successfully improve their performance in increasing adoptions in the wake of the Fostering Connections law. But we do know that America's most vulnerable young people stand to lose if, as a result of this error, they spend more time in foster care instead of with loving adoptive families. We can't and shouldn't let that happen.

That is why I and my colleague CHARLIE RANGEL, the Chairman of the House Committee on Ways and Means, introduced legislation to correct this error. Our bill (H.R. 1840) is identical to the legislation (S. 735) the Senate passed on April 2 and that is being considered by the House today.

I encourage all Members to support this important legislation so it can be signed into law as quickly as possible.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time.

Mr. McDERMOTT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CUELLAR). The question is on the motion offered by the gentleman from Washington (Mr. McDERMOTT) that the House suspend the rules and pass the Senate bill, S. 735.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 627 and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

The SPEAKER pro tempore (Mr. AL GREEN of Texas). Pursuant to the order of the House of Tuesday, April 28, 2009, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 627.

□ 1709

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes, with Mr. CUELLAR in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the order of the House of Tuesday, April 28, 2009, the bill is considered read the first time.

General debate shall not exceed 1 hour, equally divided and controlled by the Chair and ranking member of the Committee on Financial Services.

The gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, I would like to yield at this moment 2½ minutes to the chief architect, promoter, the person who really brought this bill to fruition here on the House floor not once but for the second time, the gentlewoman from New York, Congresswoman MALONEY.

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Credit Cardholders' Bill of Rights, and I thank the Democratic leadership, Chairman FRANK, Chairman GUTIERREZ, and my Democratic colleagues for their support of this important legislation.

The House bill would provide consumers protection from credit card fraud and deception. Today's action builds on the vote that we had last year when the bill passed by 312-112. We held numerous hearings and meetings, and came forward with a set of gold principles that many issuers have voluntarily followed. Today's bill is another step forward towards making these protections permanent, and importantly, we expand upon them in a number of key areas to provide consumers with additional protections.

The bill targets specific abusive practices—retroactive rate increases that can trap cardholders in a downward spiral of unexpected debt, double-cycle billing that charges interest on balances that have already been paid, payment allocation rules that deny cardholders the right to pay down their high interest rate balances first, due date gimmicks that trick people into paying their bills late and then hitting them with retroactive rate increases, penalty interest rates, late fees, multiple over-limit fees for one over-limit transaction, and subprime cards of which the annual fees alone eat up most of the credit line before a single charge is ever made. It gives consumers more tools to better manage their own credit, such as setting their own credit limit.

This is not a bill that takes away consumer choice or that infringes on anyone's rights. It simply says it is not right to be deceptive, to be unfair or to engage in anticompetitive practices.

The bill has been endorsed by consumer groups, labor unions and civil rights organizations that have made the passage of this bill a top priority because these unfair practices affect so many people every single day of the year. There have been more than 54 editorials and op-eds endorsing the

need for credit card reform across our Nation. Just last week, President Obama called to the White House the top executives from the credit card industry to tell them that the days of any time/any reason increases must come to an end.

This is an important bill that affects many people. It is hard for me to come to the floor of Congress or to walk down the street without hearing some story of some type of credit card abuse. This would end the tricks and traps, and it builds also on the Federal rule that came out after our bill passed that resembles strongly our bill. Sixty-six thousand comments were written in support of the Federal rule which we are supporting today, too.

I urge a "yes" vote on this important legislation. It will help millions of people in America. We have done a great deal to help our banks shore up their capital requirements and allow them to provide more loans. This will allow consumers to protect their interest rates, to keep them lower so that they have more money, their own money, to invest in our economy. It's fair to all concerned. I urge a "yes" vote.

Mr. BACHUS. Mr. Chairman, let me start out by saying that I know the Members on the other side and I think there is one thing that we all share—most of the Members if not all of the Members—and that is that we want to protect consumers from unfair and deceptive credit card practices and ensure that they receive useful, complete, fair disclosures as they enter these agreements and, once they enter these agreements, that the terms and conditions are met and that they're not abused.

□ 1715

Like many of my colleagues, I have received calls from constituents about credit card practices that certainly don't seem to be fair. In fact, many times they are not fair. And I don't defend them. That's why I don't question the motivation or the sincerity of those who want to address this practice with this bill.

Having said that, I don't believe that this bill is the right solution. But there is an alternative, and I want to discuss an alternative that I think has been taken. Because in going in and over-restricting the offering of credit and overly restricting credit card companies' ability to price and by over-restricting terms and conditions, you do affect the availability of credit. In fact, the Small Business Administration has testified—not about this bill, so I don't want to mislead anybody; it is not about this bill—that they have said that with small businesses, availability of credit is their greatest concern, restrictions on credit are their second greatest, and only third is the terms and conditions. And that there has to be a balance between the government—they didn't say this; this is what I am saying—if we over-restrict what companies or people offering credit, what

they can do or offer, you do—and I think we all agree—you do, whether you unconsciously do it or intentionally do it, you do restrict the offering of credit.

This bill will do that. I mean, there will be people who can have a credit card today at a higher interest rate, or if they don't pay on a timely manner at a rate that escalates, that if this bill passes, will not get credit at all. Now some people might say, well, that's good.

But today, you have got to have a credit card. And we have to take, I believe, in offering rates and in changing rates from time to time, the payment history of the person, of the credit card holder, we've got to take into consideration whether they have met the obligations.

Now, the sponsor of this bill—and I have agreed for some time that there are some practices that we ought to address. Double-cycle billing. You mentioned this bill addresses that. And it ought to be addressed. Mr. GUTIERREZ and I talked about them offering a rate and then coming back in 6 months and suddenly changing that rate without any notice, number one, and then changing it on the existing balance as far as going forward. We both think that they shouldn't do that unless there are unusual or extenuating circumstances.

I think we also all agree that—and I have had complaints from other Members knowing that I am the ranking member of Financial Services—that people get their credit card bill and they are out of town and all of a sudden they couldn't get it back and they didn't have time to pay it. The gentlewoman from New York says we're going to extend that to 21 days. That's a good thing. But all three of those things, and several other things that we agree on, the Federal Reserve has acted.

Now there is a disagreement among us. Mrs. MALONEY has said, and others have said, that they ought to be able to do this in 30 days, or 60 days. But the Fed has issued 1,200 pages of regulations—1,200 pages—and we simply don't think that 30 days or 60 days, the credit card companies, the banks tell us—and these are not just the big banks; these are community banks, these are credit unions—they have all said, "Look, we agree there were abuses," and the Fed and members of this committee on both sides have pushed them into making changes. But I honestly don't think they can do it in 30 days or 60 days. That's a fair argument.

What I fear is, as I said, credit cards play a crucial role in the lives of everyday Americans and the overall economy. I mean, the availability of credit cards, credit card offers, they are essential. And any regulation or any legislation affecting credit card practices is going to have a profound effect on every American and every American family. Those effects can be good in cases. I think when you give people 21

days, I think that's a good thing. I think when you say let's not change someone's interest rate on a balance, you ought to give them like you do, and we agreed and the Fed agreed, to give them 5 years, amortize it and give 5 years.

I think it was a good thing to prohibit double-cycle billing. In fact, there are 12 or 14 things that the regulators have now told the banks they've got to do.

But I believe there is always if you say one size fits all, yes, there will be people, if this bill passes, that will receive a lower interest rate or their interest rates won't go as high. But there are other people, I think a far greater universe, where the interest rates will go up on people that pay on time, people that have better credit, and that this is sort of a leveling, and I think you're going to see that interest rates are going to go up from 10 to 12 percent.

Let me just simply stop there. I will give the lady a chance to respond. But I do want to say one thing and then I will quit.

We're in the midst of a severe economic downturn. Unemployment is up. Hardworking Americans are facing unparalleled difficulties. Now, if a credit card company doesn't treat them right, they just add to those difficulties. But if we over-restrict these offers of credit, put too much conditions on it, we've been told that the credit limits are going to come down. Some people are going to be told, "I'm sorry, we're pulling your lines of credit." That's already happened. And particularly, investors and people that invest and put capital behind credit card offerings are not going to be there. I do have all of those concerns.

For that reason, I sincerely believe that H.R. 627 is going to do some good, a lot of it the Fed is doing anyway, but it's going to do some harm. And you weigh all of that out, and I am afraid that the consumers are not going to benefit. Some will, but I think most won't.

At this time, I will reserve the balance of my time.

Mr. GUTIERREZ. Mr. Chairman, I yield 1½ minutes to Mr. PASCRELL from New Jersey.

Mr. PASCRELL. Mr. Chairman, that was, to my good friend from Alabama, the best apologist presentation that I have heard in a long time.

The very same people stood on the floor of this House and condemned folks trying to get a part of the American dream in buying a house and then finding out they couldn't afford it, condemned those people. Not the folks who loaned them the money, not the many unscrupulous people. I have heard it before and will hear it again, I am sure.

There has to be a balance, and I would agree. The question is we've gone out of balance, and no one can deny looking at the data of the past 20 years that we have reduced our standards, there have been financial prod-

ucts that nobody has overseen, and I place the blame on both political parties. Neither party is privy to virtue on this. We'll stand for the consumer this time. Hopefully we'll get it past this House and we will get it past the Senate. That's necessary.

We have before us here legislation which would give consumers protection against credit card abuses. That's what we are targeting here. And this is at a time when Americans are sick and tired of being the victims of a crafty and fatally opportunistic financial sector. You may defend that sector. You have all of the right to do it. Thank God we're in America.

Americans are discovering that even if they pay their bills, their interest rates still get jacked through the roof. Even if you pay your bills. The credit card industry and some Members have been quick to condemn this legislation. But today, I ask those who have spoken against the legislation, what possible detriment is there in increasing transparency in the imposition of fees? How can we possibly be against empowering Americans for taking control of their credit card finances?

Mr. BACHUS. Mr. Speaker, I yield to the gentleman from Texas (Mr. HENSARLING) such time as he may consume.

Mr. HENSARLING. I thank the ranking member for yielding.

Before entering into the debate, I certainly want to acknowledge, as I have before throughout this debate, number one, the work of the subcommittee chairman with whom I have served, proud to serve as the ranking member, it has been a very open process, a very good debate. And I certainly want to congratulate the gentlelady from New York who I know has been quite passionate about this issue. And although we certainly disagree with the implications of her legislation, what I believe or I hope to believe are unintended consequences, I certainly share, at least, a number of the goals that she has.

However, I do have great concerns about this legislation.

First, if this was a debate on whether or not there are credit card companies in America that use misleading and deceptive practices, I think we could pass that legislation with unanimous consent.

Now, Mr. Chairman, if this was legislation about whether or not the average consumer can understand their credit card agreement—the average one running 6,691 words, it would take the average American almost an hour to read, much less comprehend—my guess is we could pass that with unanimous consent as well since indeed most Americans cannot understand the provisions in their credit card agreements.

But unfortunately, the legislation before us goes way beyond simply ending deceptive practices. It goes way beyond simply trying to effectuate effective disclosure for the consumer. And although the bill is entitled the Credit

Card Bill of Rights, I have great fears that ultimately this will prove to be the Credit Card Bill of Wrongs.

I believe that ultimately three things will happen if this legislation is passed: Number one, because of its prescriptive way in dealing with risk-based pricing, by essentially imposing a form of price controls on late fees, either, number one, the borrowers who do it right—now, Mr. Chairman, that's half of America; half of America either pays their bill off in full at the end of the month or does it almost every month. And then there is about a quarter who miss some. And then there is about a quarter who are always universally late.

But what is going to happen, Mr. Chairman, is the people who are doing it right, who are working hard, trying to pay their bills, are going to be forced to bail out those who don't. This bill will take us back to a previous era, a bygone era where everybody paid higher interest rates, where a third fewer people had access to credit, and we had all of these dreaded annual card fees.

□ 1730

Now, that was a previous era before we had this thing called risk-based pricing, Mr. Chairman, and what is that? It says, you know what, if you have a checkered credit past or maybe you have a lower income, maybe you're having trouble meeting your bills, well, risk-based pricing says you can still get access to credit if you're willing to pay more for the risk of the creditor. The option, of course, is not to have any credit at all, in which case if you lose your credit card, then you're looking at some other option. And in that respect there are provisions of this bill that maybe ought to be called the "Pawn Shop Owners and Payday Advance Lenders Relief Act," because, Mr. Chairman, if you start to take away credit opportunities of those who have checkered credit pasts, those who are low income, they may be forced into options they don't like.

Now, again, I want to make it very clear I think the payday lenders, the pawn shop operators, they serve a very vital function in our economy. Many people use them. That's not my point. My point is the consumer ought to be able to choose. So if you start taking that ability away to risk-based price, you're taking away credit, number one.

Number two, you're going to be forced to this bygone era where the people who did it right have to bail out the people who did it wrong. I mean, does that sound like a fairly consistent theme out of this particular Congress: bailout, bailout, bailout? And that's what this is, Mr. Chairman. Unfortunately, it will force the good credit cardholders to bail out those who aren't.

And you know what, Mr. Chairman. We have now seen out of this Democratic Congress a \$700 billion bailout bill costing the average American family over \$6,034. We have seen a \$1.13

trillion, with a “t,” government stimulus plan, costing the average American household \$9,810. We’ve now seen out of this Democratic Congress, Mr. Chairman, an omnibus spending bill \$410 billion, costing the average American \$3,534. And now just today, just today, a \$3.6 trillion budget, which is going to triple the national debt in 10 years.

I mean, Mr. Chairman, isn’t it enough that this Congress has taken all the cash out of our wallets? Is it going to take the credit cards out of our wallets as well? I hope not. I don’t believe that’s the intent of the legislation, but I fear that will be the effect.

Now, again, there are many problems in this credit card market. There are credit card companies, one in particular, that my wife and I absolutely refuse to do business with because we don’t like their practices. But throughout this debate, and I challenge Members on the other side of the aisle to show to me, where is it that we don’t have a competitive market? Where is it that the consumer doesn’t have the choice? Now, up until the recent economic turmoil that we’ve had, I believe there were over 14,000 different credit card issuers in this Nation with a dizzying array of options for consumers to choose from. It’s the competitive market that is the consumer’s best friend.

Now, if people don’t understand their disclosures, and I believe, again, many of them don’t, what we ought to do is not take away the economic opportunities, not take away consumer choice, but ensure that there is effective disclosure written in English, not voluminous disclosure written in legalese. Part of this is the fault of Congress and the regulators. When you disclose everything, you end up disclosing nothing. Part of it is an answer to an explosion of liability exposure to where some of these credit card companies feel, well, if we don’t disclose this, we may get sued.

And then last but not least but, again, there are misleading and deceptive practices of credit card companies. That should be stopped, and particularly under the Truth in Lending Act, under the Deceptive Trade Practices Act. Sometimes, Mr. Chairman, the answer is to enforce the laws that we have on the books.

I don’t see the gentlewoman from New York on the floor at the moment, but I want to commend her for that portion of the legislation that deals with disclosure. Now it roughly parallels that of the Fed regs that the ranking member spoke of, and I think a lot of good can be done here in informing consumers about what their rights and responsibilities are.

But, again, ultimately I feel that if we enact this legislation, bad things are going to happen. And it’s not just a theory that I have. It’s not just me personally. I mean, let’s listen to our own Congressional Research Service. They said: “Credit card issuers could respond in a variety of ways,” speaking of the

legislation. They may “increase loan rates across the board on all borrowers, making it more expensive for both good and delinquent borrowers to use revolving credit. Issuers may also increase minimum monthly payments, reduce credit limits, or reduce the number of credit cards issued to people with impaired credit.” So it’s not my opinion. That’s the opinion of the Congressional Research Service.

Now, I’m sure that every Member here has a number of financial institutions throughout their congressional districts. I’m proud to represent a number of community banks in the Fifth District of Texas. It’s an informal poll, but I went to three of them—First State Bank in Athens, Texas; East Texas National Bank in Palestine; First State Bank in Mesquite, Texas—and I asked them what’s going to happen if this legislation is passed? And what they told me was, you know, at that point the cost of these cards to community banks just become so much to justify continuing the program, the card portfolio ends up getting sold to the big banks and the consumers lose their options in smaller markets. That’s what we are hearing from community bankers.

What do we hear from academics? Well, we heard testimony from Professor of Law Todd Zywicki at George Mason University: “Increased use of credit cards has been a substitution for other types of consumer credit. If these individuals are unable to get access to credit cards, experience and empirical evidence indicates that they will turn elsewhere for credit such as pawn shops, payday lenders, rent-to-own, or even loan sharks.”

And, indeed, Mr. Chairman, we see this happening in the marketplace now. Pick up the newspaper. Recently in the *IndyStar*, I read: “More Middle Class Families Are Seeking Payday Loans As Financial Turmoil Mounts.” The *Boston Globe*: “Tight Credit Drives Consumers Towards Pawn Shops.” As you begin to take away people’s credit cards, you send them elsewhere.

And perhaps the most relevant piece of data, Mr. Chairman, is what happened in the U.K., in Great Britain, when they passed a similar law. They decided credit card default fees were too high, and they ordered the credit card issuers to cut them or face legal action. What happened? You can look at the record. Two of the three largest issuers promptly imposed annual fees on their cardholders. Nineteen of the largest raised interest rates. And by one independent estimate, 60 percent of new applicants were rejected. Those are what I assume to be the unintended consequences of this legislation.

So, Mr. Chairman, as people shoot at credit card companies, and there’s a number of them that need to be shot at, I hope they don’t end up wounding hardworking, struggling American families who rely on these credit cards to finance their small businesses, to

help them with their health care needs, to buy groceries. And I know people can go and high-five each other and say, look, we beat up on the credit card companies today. But if you take away risk-based pricing, you’re going to take credit opportunities away from the people who need it most. And if you impose this bill, what you’re going to say is to half of America who pays their bill on time, well, folks, you’re going to have to bail out somebody again. You know, we’re reaching for your wallet. We’re going to force you to bail out the people who don’t do it right.

That’s not right, Mr. Chairman. It is not fair. And because of that, this legislation in its current form needs to be defeated. We need disclosure. People need an adequate amount of time to pay off their balances if their interest rates or terms change, but we cannot restrict in a competitive marketplace the options and opportunities of struggling Americans at a time of a great credit crunch when they desperately, desperately need access to those credit cards today.

So I urge defeat of this legislation.

Mr. GUTIERREZ. I thank Mr. HENSARLING for his very kind words. I look forward to continue working with him.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas, a member of the subcommittee and of the full committee, a really dynamic member of Financial Services.

Mr. AL GREEN of Texas. I thank the chairman of the full committee, Mr. FRANK. I thank Mr. GUTIERREZ, our chairperson of the Financial Institutions Subcommittee. I would like to thank the ranking member, whom I have a great relationship with and I look forward to working with. And I would like to move quickly now to why I am supporting this legislation.

Mr. Chairman, the right time to do right is right now. We do not want to allow ourselves to become victims of something known as the paralysis of analysis. We have analyzed this bill for years. It is now time for us to act.

It is right for us to do something about retroactive rate increases. This bill does something about it. If you have a balance and the rate goes up, should the interest rate increase apply to your previous balance or should it apply to balances going forward? That’s what this bill does. It does not allow it to apply to charges that you’ve already made.

Should a person who is not emancipated, who is younger than 18 years of age receive a credit card? I don’t think so. This bill prohibits this.

Should persons have adequate notice to deal with rate increases? Forty-five days is really not unreasonable if you get a rate increase on your credit card. This bill accords 45 days’ notice of rate increases.

Should a person have the right to have the payment go to the lowest interest rate so as to pay off that rate

first as opposed to the highest interest rate? Well, I think that we ought to let people pay off the highest interest rate so that they can make sure that they are not going to have higher bills in the future.

The right time to do right is right now. Let's not become a victim of what's known as the paralysis of analysis. Let's move forward. Let's pass this legislation.

Mr. GUTIERREZ. Mr. Chairman, I now yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON), who came here to fight for our people here.

Mr. ELLISON. Thank you, Mr. Chairman, for yielding.

All appropriate thanks being given except for one person who deserves special thanks. I believe Congresswoman MALONEY must feel like a mother giving birth. This bill is phenomenal. I am so incredibly proud to be a friend of hers.

Let me say that I knew that we had a problem in America when my 19-year-old son, who didn't have a job and was a college student, kept getting solicitations for credit cards; but I was quite convinced we had a real problem when my 13-year-old son, who did nothing more than apply for a Sports Illustrated subscription, started getting credit card solicitations.

I hope some people don't have access to credit, namely my 13-year-old son. I hope some people don't get credit cards, people who cannot handle credit. But credit card companies have given credit card solicitations out all over the country to anyone, and so it's no doubt that some people have gotten credit cards who perhaps should not have them.

This legislation is about keeping good credit card companies good. Not all credit card companies engage in some of these policies that even the Federal Reserve Bank found were deceptive and abusive. Some credit card companies didn't engage in universal default; some did.

This bill sets a basis for an entire industry so that good credit card companies never have to be tempted to engage in some of these nefarious practices just to stay competitive with companies that do.

I am happy that at least nine Republicans voted for this bill in committee. They understand the wedding of good policy and good politics.

□ 1745

My friends, this bill is popular because it makes sense for the American people. And so, from a partisan standpoint, I hope I do see a bunch of red up there from the other side of the aisle.

The fact is that in 2008, credit card issuers imposed \$19 billion in penalties and fees on families with credit cards. This year the credit card companies will break all previous records.

I am proud to be associated with this legislation.

Mr. GUTIERREZ. I am delighted to always see members of our leadership show up here.

Congressman VAN HOLLEN of Maryland is recognized for 2 minutes.

Mr. VAN HOLLEN. Mr. Chairman, this is an opportunity for all of us on a bipartisan basis to stand up for consumers around this country.

I want to recognize the terrific leadership of Congresswoman CAROLYN MALONEY, BARNEY FRANK, LUIS GUTIERREZ and the members of the Finance Committee who put this together.

We all know we are facing uncertain times, and many Americans around this country are trying to figure out how they can save, how they can plan financially to get through this difficult period. And yet I have received lots of calls from constituents in my district who have talked about how the abusive and often unpredictable practices of some of the credit card companies have made it impossible for them to plan.

A lot of them have played by the rules for years. They have used credit responsibly. Yet now they are being tripped up and surprised by unwarranted increases in their credit card fees and in their interest rates.

We all know about the Pew Charitable Trusts report that 93 percent of credit cards allow the issuer to raise any interest rate at any time by simply changing the terms of the account without adequate notice.

Other cards allowed the issuer to impose automatic penalty interest rate increases on all balances, even in cases when only a portion of the account was less than 30 days past due. In fact, 80 percent of the cards showed that happened.

A constituent who called my office recently talked about how his card interest rate had been unfairly doubled and that it, quote, materially and adversely affected his family's ability to pay down their debt and borrow in the future.

When they contacted the credit card issuer, all they got was no details as to why they had been downgraded in their credit, just it was, quote, made an adjustment based on economic conditions.

Another constituent, somebody else who also had been on time and paid reliably, saw her interest rate jump from 9.5 percent to 16.99 percent. When she contacted the company, she was told "the current financial conditions." That's what she was told, not why she saw her interest rates go up.

We have heard reports of credit card companies moving around the due dates or holding a payment in order to trigger a late charge. Some credit card companies mailed out bill statements close to the due date to trip up their consumers.

Those are the kinds of practices we have got to put an end to. This is our opportunity to say to the consumers, we're on their side.

Mr. GUTIERREZ. I recognize the gentleman from New York, who I enjoy working with on Judiciary and also on Financial Services, Mr. MAFFEI, for 2 minutes.

Mr. MAFFEI. I want to thank Chairman GUTIERREZ for yielding and for all his leadership. I want to thank the chairman of the full committee, BARNEY FRANK, as well. And especially I want to thank the former chairwoman of the subcommittee, CAROLYN MALONEY, for her persistence on behalf of American families.

Mr. Chairman, I rise to ask for support of this very important bill, because I feel strongly that we must stop the deceptive and unfair practices that have taken advantage of honest consumers.

For too long, credit card issuers have buried important details in the fine print or never showed consumers the 30-plus pages contract they are signing onto. Credit card issuers then hit consumers with rate increases and fees, always with the excuse, well, it's in the contract.

I am okay with needing a lawyer to close on a house, but regular people shouldn't need a lawyer just to get a credit card. We must make sure credit cards have fair rules.

I hear time and again from people in my district who have seen their interest rates substantially increased on their credit cards or the limits decreased for arbitrary reasons or no reason at all. This is an issue that crosses into every part of my district.

Without fail, someone shares some story each time I am at home. One, for instance, is Reverend Aaron Overton of the Temple Baptist Church Baldwinsville, New York. He saw his credit card company raise the rate on his church's existing balance to more than 36 percent, even though he had evidence that his bill was always paid on time. And, believe me, this Baptist church showed no risk of default or of running away.

The Credit Cardholders' Bill of Rights takes important steps to level the playing field. It provides that customers receive 45 days' notice of an interest rate increase. It institutes commonsense changes, such as requiring that every statement display a clear due date.

Finally, and most important to my constituents, the Credit Cardholders' Bill of Rights ensures that companies cannot raise rates retroactively on existing balances. Raising rates on pre-existing balances means that issuers are raising rates on funds already disbursed to customers, and that's simply unfair.

The credit card issuers have taken advantage of American families, small businesses and even churches that are too responsible to run away or default but too financially strapped to pay off their balance. This is unfair at any time. But during a time of recession, it is unconscionable.

This bill of rights for credit cardholders will restore fairness to the consumers.

Mr. GUTIERREZ. If I could inquire of the Chair how much time is remaining on each side?

The CHAIR. The gentleman from Illinois has 18 minutes remaining. The gentleman from Alabama has 8 minutes remaining.

Mr. GUTIERREZ. I would like to yield 1½ minutes to someone who has a great history of protecting, came here to continue to expand protection of consumers, the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank you, Mr. Manager of the bill. I thank CAROLYN MALONEY, the Representative who has provided leadership on this from the Financial Services Committee.

The legislation that is before us is overdue. It does provide basic transparency and protection to consumers who had no rights to anything.

But there are two things that I hope will be part of the future debate about protecting consumers. Not in this bill. This bill on its own deserves to be passed.

But those two issues are, one, is it time to consider a cap on interest rates? And, number two, is it time to provide protection to the merchants, the small businesses?

I believe it is time to have an interest rate cap. We have historically had it until the Supreme Court took those away, but we have had caps on interest as far back as the Babylonian times. Commerce has succeeded when there have been reasonable interest rate caps.

It's one thing if somebody gets notice that their interest rate is going to go from 8 percent to 38 percent. But it probably shouldn't go up to 38 percent and we ought to have a lid.

Second, there's an argument that the banks are making that this will compress credit, making it more difficult to get. The reality is that credit is shrinking already because of practices that have been excessive.

Over 8 billion solicitations go out, not just to consumers, but sometimes to their pets. There is an alarming parallel between what is being done here in credit cards, or what has been done, and what happened in the subprime crisis.

Credit card issuers securitize and pass off their risk to the secondary market, pass on the losses by increasing fees on responsible users of credit, and they fail to exercise reasonable underwriting standards. We have got to change the business model so there is responsibility on both sides.

Mr. GUTIERREZ. I yield an additional 2 minutes to the chief architect and sponsor of this bill, the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the chairman for yielding and for his leadership on this important bill in so many areas.

I would like this time to respond to my good friend and colleague on the other side of the aisle, Mr. BACHUS, where he pointed out that the bill may cause interest rates to rise and credit lines to be cut.

But what we are hearing now, interest rates are rising and credit lines are

being cut, and we don't have the bill in place. In fact, what we are hearing from many people on this floor, and what we hear when we go home to our districts, that oftentimes when you pay on time and do not go over your limit, interest rates can go up, and it's totally legal.

I have talked to constituents and others who have told me that their rates have doubled. They have called the issuers, and they don't even have to give them a reason. Because, now, in the very fine print, they can raise the rates any time, any reason, retroactively on existing balances.

One astonishing hearing was when the head of Freddie Mac, Syron, testified before our Financial Services Committee, and he said that he and his wife read the credit card contract fine print for hours and could not figure out what it said. The Federal Reserve also came forward and said that Reg Z or disclosure was not enough. They said the practices were unfair and deceptive and misleading, that the average citizen, like the chairman of Freddie Mac, could not even understand what was in the fine print.

This bill really is very balanced and fair and allows consumers to have notice when interest rates are going up. They have 45 days' notice, so they can decide whether they want to opt into this higher rate or go to another card that has a lower rate and pay off their balance. This will put competition into the system, and, I believe, lower rates.

I wanted to respond to the gentleman on the other side of the aisle. In good times and in bad times, the issuers have been opposed to this legislation, and we need it now. We are in bad times. Consumers need protection.

Mr. GUTIERREZ. Mr. Chairman, in continuing our agreement, I am going to yield myself 5 minutes. That will put us at about the same amount of time on each side of the aisle.

Mr. Chairman, first of all, let me rise in strong support of H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009.

Let me once again thank the gentlelady from New York, Congresswoman MALONEY, for her tireless effort and work on defending consumers. I can't think of a better legislative product that I could have as chairman of the Subcommittee on Financial Institutions to bring before this House of Representatives than the bill that the gentlelady has worked so tirelessly on over many, many years. I am delighted that I got this opportunity and it's, indeed, a great privilege.

We have more than 640 million credit cards in circulation that account for an estimated \$1.5 trillion of consumer spending. Clearly the U.S. economy has gone plastic.

I mean, you have been around. Nobody takes out a checking account anymore. Nobody sticks their hand in their pocket and brings out cash. We have become a credit card economy and society.

But America's love affair with credit cards comes with a hefty price. The av-

erage credit card debt among American households has more than doubled during the last 10 years. Today the average family owes roughly \$8,000, Mr. Chairman, on credit cards. The debt has helped generate record profits for the credit card industry.

Unfortunately, a growing share of the industry's revenues don't come because you took \$200 at 10 percent, but come because the industry's revenues come from deceptive practices such as universal default terms spelled out in very fine print.

As a matter of fact, we now know that even the Federal Reserve Board when they evaluated this situation said, listen. I want the American people to understand that it isn't that they aren't smart, it isn't they can't read, it isn't that somehow they didn't get schooled well. Look, these things are designed to be deceptive. They are designed to trick you.

And so you get tricked, you get fooled. That's what we are here for, to make sure it no longer happens. And that has been independently confirmed. That's the way they do it. That's the magic of what they do. And kind of the recipe here is to make sure there is a level playing field, and that's what this thing does.

The terms and conditions can be changed. Not only is there fine print, but then they can change it with 15 days' notice at any time for any reason.

According to a recent Pew study, 100 percent of 400 types of credit cards that they reviewed contained in its terms at least one practice that has been found, not by the Democrats, not by the Republicans, not by the Obama administration, but by the Federal Reserve to be unfair and deceptive. And 93 percent of the cards studied allowed for any time, any reason, repricing, allowing an issuer to hike the APR on a consumer's credit card even if they never missed a payment.

So I wanted everybody to understand we are not talking about people who are late with their credit card bills, not paying late. They are not somehow scofflaws. These are people who every month paid on time, get it in to the credit card company, and they are still increasing their interest rate.

In 2008, the House passed the Credit Cardholders' Bill of Rights by a vote of 312-112, but it was unfortunately not signed into law. This year, once again, under the leadership of Representative CAROLYN MALONEY, we have taken up H.R. 627, which appropriately carries the name of its predecessor, and it has moved swiftly to the floor for final passage.

□ 1800

We must pass this legislation once again. Americans are suffering from rising unemployment rates, dramatically falling household wealth and declining real wages. I want to say that again. Americans are suffering from rising unemployment rates, dramatically falling household wealth and declining real wages, all of which makes

it harder for them to pay off their credit card debt. It makes it harder, more difficult.

If there was ever a time for the Congress of the United States to step up and defend consumers, it is now. We are in an economic crisis and meltdown. Unemployment, millions of people are unemployed, and probably hundreds of thousands more will continue to be unemployed.

Look, all we are saying is we did a lot for the banks. Everybody knows that. When they were in tough shape, we did a lot for them. Can't we do a little bit for the consumer, for the person who has to tirelessly work at these jobs, and their wages are going down and their health care benefits are going down and everything around them seems to be just causing more and more anguish and suffering? That is what I hear from the American people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GUTIERREZ. I yield myself an additional minute, Mr. Chairman.

So we have to pass this.

Let me just end with this. Look, I understand that we don't want to restrict credit. We want people to have it. But, golly, if I go take a loan at 10 percent, and then all of a sudden they charge me 20 percent on the same money I took at 10 percent, that is wrong. That is just wrong. Nobody should be able to change the terms.

This is America, right? You shake hands, you make an agreement, you say this is how much you are going to pay on that \$100. But we know the credit card companies are not doing that. As a matter of fact, what they do is they say, you know, LUIS, that \$1,000 you took at 10 percent? I am not only going to charge you 20 percent on it, but, you know what? I am going to go back two or three months retroactively and charge you the 20 percent on that money.

That is wrong. And it is wrong when you pick up a telephone and you say, listen, I just got my bill, but it is 3 days before it is due. Can I pay you over the phone? And they tell you yes, for 15 or 20 bucks.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GUTIERREZ. I yield myself 30 additional seconds.

I will end with this. How many people in America haven't picked up the phone to complain to a credit card company, and if you get a little testy with them, which I have because they angered me, and I say, can you please explain this to me, they go click.

Well, you know what we are doing today? We are going "click" right back to the credit card companies, except this time we are hanging up the phone on abusive practices here in America against the American consumer.

Mr. Chairman, I rise in strong support of H.R. 627, the "Credit Cardholders' Bill of Rights Act of 2009."

With more than 640 million credit cards in circulation that account for an estimated \$1.5

trillion of consumer spending, the U.S. economy has clearly gone plastic. But America's love affair with credit cards comes with a hefty price. The average credit card debt among American households has more than doubled over the past decade. Today, the average family owes roughly \$8,000 on their credit cards. This debt has helped generate record profits for the credit card industry.

Unfortunately, a growing share of the industry's revenues come from deceptive tactics, such as universal default terms spelled out in the fine print of cardholder agreements—the terms and conditions of which can be changed at any time for any reason with 15 days' notice or less.

According to a recent Pew study, 100 percent of the 400 types of credit cards they reviewed contained in its terms at least one of the practices that have been found by the Federal Reserve to be unfair and deceptive. And 93 percent of the cards studied by Pew allowed for any-time, any-reason repricing, allowing an issuer to hike up the APR on a consumer's credit card even if they've never missed a payment.

In 2008, the House passed the Credit Cardholders' Bill of Rights by a vote of 312–112 but it unfortunately was not signed into law. This year, once again under the leadership of Representative CAROLYN MALONEY, we have taken up H.R. 627, which appropriately carries the name of its predecessor, and moved it swiftly to the floor for final passage.

We must pass this legislation once again. Today, Americans are suffering from rising unemployment rates, dramatically falling household wealth and declining real wages, all of which make it harder for consumers to pay off credit card debt. In fact, in 2008, we saw the percentage of accounts 30 days past due rise to an all-time high of 5.6 percent. On average, American families owe 24 percent of their income in credit card debt.

These are daunting figures in an unstable time, but Congress can and must do something about it, by making sure that unfair credit card practices and fees do not deter consumers from paying down their debt. The Federal Reserve has mandated new regulations that mirror many of the protections included in H.R. 627. I applaud the Board for its work on the UDAP and Regulation Z changes, but I believe that this Congress should codify these important consumer protections to send the message to the industry and consumers that Congress is serious about standing up for consumer rights.

H.R. 627 would level the playing field between card issuers and cardholders by applying commonsense regulations that would ban retroactive interest rate hikes on existing balances, double-cycle billing, and due-date gimmicks. It would also increase the advance notice of impending rate hikes, giving cardholders the information and rights they need to make decisions about their financial lives.

I urge my colleagues to support this important consumer protection bill.

Mr. BACHUS. Mr. Chairman, at this time I yield 4 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I was listening very carefully to my colleagues on the other side of the aisle, and, again, I want to say I believe every person in this Chamber would agree that there are misleading and de-

ceptive practices with credit card companies. I have congratulated the gentlelady from New York for that title in her bill that would provide effective disclosure. Consumers need it, they demand it, and they are not receiving it.

But in taking one step forward, her legislation, unfortunately, probably takes 10 steps backwards. And ultimately what is unfair, what is unfair, Mr. Chairman, is in a time of a credit contraction to reach into people's wallets and take their credit cards away. Ultimately, that is what this legislation will do. Regardless of its noble intentions, that is what the legislation will do.

It is not just theory I have. It is history. We have seen similar legislation enacted in Great Britain, and that was the impact.

Now, I have heard in the context of the debate on the budget colleague after colleague on the Democratic side of the aisle decry budget deficits. "The budget deficit is horrible." Well, it was \$160 billion when they took it over, and now it is going to \$1.8 trillion. They increased it 10-fold.

Now I hear Democratic colleague after Democratic colleague lament the credit contraction. Yes, there is a credit contraction. Why do you want to worsen it? Why do you want to exacerbate it? And when you engage in forms of price controls, and you may come up with all kinds of different names for it, but if you are going to restrict fees for people who pay their bills late—they need to be disclosed, people need an opportunity to pay off their bills—but ultimately in a free market, people ought to have consumer choice and they ought to be able even with a checkered credit past to get credit.

People are counting on these credit cards. Risk-based pricing. You are taking tools away from those who use it and you are leading to two consequences. Either, number one, half of America is paying their bill on time and you are going to force them through this legislation to bail out the portion of America that doesn't; and for those who are struggling, you are going to deny them credit card options.

People need these credit cards for their small business. They need it for personal items. I hear from the people in my district. I hear from the Vehon family of Rowlett, who said, "We were laid off from our jobs at the same time," the gentleman talking about himself and his wife. "We moved into our first home together in July of that year. Needless to say, the layoff was quite a shock, and without access to our credit cards at the time, frankly, I don't know what we would have done." And yet the legislation before us could take away the credit cards of the Vehon family of Rowlett.

I heard from the Howard family of Canton. "My wife and I use our credit cards, at times, to pay for medical-related bills. My wife has a heart condition, which between her medical bills and mine we spend out-of-pocket

\$18,000. And yes we had to put some of that cost on credit cards.”

I heard from the Juarez family in Mesquite. “I oppose this legislation. I have utilized my credit cards to pay for some costly oral surgeries. I don’t want to get penalized by this legislation for making my payments on time.”

Let’s not penalize the people that are doing it right. Let’s not penalize the people who desperately need credit in a credit contraction. We need disclosure. We need adequate time to pay off bills. But don’t take away credit in a credit contraction.

Mr. GUTIERREZ. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Mr. Chairman, don’t believe that unless this Congress allows some credit card companies to abuse consumers, that no one will have credit. It is just not true. Don’t believe that if we say no to double cycle billing, no to switching due dates around at random and arbitrary times, no to giving credit cards to minors, if we say no to these kind of practices, it will not drive out credit in America. It is nothing but fear-based stuff that will allow credit card companies, that have made record profits, to continue to take advantage of American consumers.

The Democrats, and many Republicans as well, are joining together to say we are on the side of the American consumer. Vote no to this bill at your own peril. The fact is that with the confusing disclosures that the gentleman from Texas has accurately said are present, this bill says those things are wrong. We ask everyone to join with us to say the provisions that allow these confusing disclosures should be stopped. We ask everyone in this Chamber to say no to this.

The fact is, Mr. Chairman, if we don’t do something to protect the American consumer, we are abdicating our responsibility as stewards of this sacred trust of being a Member of Congress. This is the time to do something for the American consumer.

Mr. GUTIERREZ. I yield 2 additional minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding and would like to respond to some of the statements that my good friend on the other side of the aisle made.

He mentioned the Great Britain example, but in the Great Britain example there were fee caps and interest rate caps. The Credit Card Bill of Rights does not have any caps on fees or interest rates. It merely gives information to consumers to better manage their credit and make decisions of how they would better manage their credit.

He gave the example that he did not want interest going up on consumers who are paying their cards on time and not going over the limit. Precisely what this bill does is protect those consumers from rate increases, any time, any reason, even when they have done

everything right. It is totally, totally unfair.

And there is absolutely no penalty in this bill for anyone doing the right thing. If anything, it protects them from unfair and deceptive practices that could hinder and raise their interest rates.

He mentioned that he would like more choice, but that is basically one of the main goals of the bill. This bill is not a bill that takes away consumer choice or infringes on anyone’s rights. It simply says it is not right to be deceptive, to be unfair or to engage in anti-competitive practices.

I would caution my friends on the other side of the aisle that voting against this bill is a rare opportunity to vote against the Federal Reserve, the body with the responsibility of safety and soundness in our financial institutions. They have come out in support of this bill with a rule that mirrors it to a great degree. The major points of this bill are encompassed in the Federal rule.

This is a bill that protects our consumers and has been endorsed by many editorial boards and consumer groups across the country.

Mr. BACHUS. Mr. Chairman, I yield myself the balance of my time.

Let me be very clear again. This bill, we requested the Congressional Research Service to analyze the bill, and they came out, and I am going to introduce this, with about 18 things that this bill does. Fifteen of those things, including probably what we spent 90 percent of our time on here today, the Federal Reserve required in their announcement. There are four provisions in this bill that are not in the Federal Reserve bill.

Let me tell you, raising interest rates, we are all against that. The Fed says you can’t do it without good reason, and it strictly defines the reason. There is something you hadn’t mentioned that the Fed does. It says if you have got a higher interest rate on certain payments and a lower interest rate on another, you have to either direct the payment at the higher interest rate, and your bill does too, or prorate it, which is fair.

Look, the American people are upset. You are absolutely right. Credit card companies haven’t played by the rules. A lot of them have. Some of them haven’t. But that is really not a difference of opinion, because we have the Federal Reserve saying you can’t do it.

Now, here are the things that the Federal Reserve doesn’t do that your bill does. Your bill says if the outstanding balance on the credit card consists only of accrued interest, and it could be several hundred dollars, then no fee may be imposed in connection with such balance, and the failure to make timely repayments on the balance shall not constitute a default.

Now, I don’t understand that. Somebody owes \$600 or \$700, they are not paying on the bill, but it is not considered a default? Well, what is it? What is it?

□ 1815

Here’s another one. And I think there is a real difference of opinion about this because we have gone round and round on this one. It prohibits a creditor from informing a credit bureau that they’ve opened a credit card with a, say, \$10,000 limit on a customer until such time as the customer uses that credit card, makes a charge against it.

Now, let me tell you what I have a real problem with. What if somebody goes out and, hey, we’ve seen outrageous schemes perpetrated on the American people by some real crafty individuals, as well as firms? What if you went out and you got 10 credit cards for \$10,000 apiece, you didn’t draw against any of them, you kept getting them, and I’m a community bank and I give you a 5 or \$10,000 line of credit, and I have no idea that you’ve opened up 10 just like it? You borrow the money, and you walk away with \$100,000. Now, that can happen. That’s why the Fed looked at this and said, whoa, no way.

Now, here’s the third one. Look, I’ve got five children, and I am just like the gentleman from Chicago. These credit card offers amaze me. But honest difference of opinion. What you say here is if you’re under 18 years old, unless you’ve been emancipated by the State you’re a resident of, you can’t get a credit card. I don’t think that’s the right way to do it. I don’t think that’s right, because, let me tell you, there are 16- and 17-year-olds in this country that they’ve been cut off by their parents. They’ve been abused by their parents. They’re out there working, and they’re going to need this.

So those are some differences of opinions we have. But I will tell you this: Most of what you do, and I commend you, what you have been proposing for years, and some of us on our side, is that the Federal Reserve is addressed.

But as I said to start with, I never imply that we don’t have sincere differences on some of these points.

CONGRESSIONAL RESEARCH SERVICE,  
Washington, DC, March 26, 2009.

#### MEMORANDUM

To: House Financial Services Committee  
From: Mark Jickling, Specialist in Financial Economics, 7-7784.

Subject: Comparison of H.R. 627 and the Federal Reserve’s Credit Card Regulations.

This memorandum provides the comparison you requested between H.R. 627, the Credit Cardholders’ Bill of Rights Act of 2009, and the credit card regulations adopted by the Federal Reserve in December 2008. The table below sets out the provisions of the bill and the comparable provisions in the regulations.

The Fed’s credit card regulations involve amendments to its Regulation AA (Unfair Acts or Practices) and Regulation Z (Truth in Lending). The Fed also issued rules related to overdrafts on deposit accounts and returned checks by amending Regulation DD (Truth in Savings). The latter set of rules do not apply specifically to credit cards and are not included in the table. The texts of the final rules, as printed in the Federal Register, are online: [[www.federalreserve.gov/newsevents/press/bcreg/20081218a.htm](http://www.federalreserve.gov/newsevents/press/bcreg/20081218a.htm)]

TABLE I.—COMPARISON OF H.R. 627 AND THE FEDERAL RESERVE'S DECEMBER 2008 CREDIT CARD RULES

Issue	H.R. 627—as introduced	Federal Reserve regulations
Universal Default Clauses	Amends the Truth in Lending Act (TILA) to prohibit creditors from raising interest rates on an existing balance of a credit card account except for specified causes (see below). Also prohibits imposition of fees in lieu of a rate increase on an existing balance. (Sec. 2(a)).	See below ("Increasing Rates on Outstanding Balances")
Raising Interest Rates	Interest rates on existing credit card balances may not be increased, unless the increase is solely due to (1) a change in a published index not under the creditor's control, (2) the expiration or loss of a promotional rate; or (3) the consumer's minimum payment being at least 30 days overdue. In the case of expiration of a promotional rate, the new rate may not exceed the rate that would have applied under the terms of the agreement after expiration of the promotional rate. (Sec. 2(b)).	Requires banks, at the time an account is opened, to disclose all interest rates that will apply to the account. Banks may not increase those rates, except under certain conditions: (1) if a promotional rate expires, the rate may rise to a higher, previously-disclosed level; (2) rates may rise in a variable rate account if the rate is linked to an index; (3) after one year, banks may raise rates for new balances after giving 45 days advance notice; and (4) rates may increase if a minimum payment is received more than 30 days after the due date. (Reg. AA)
Repayment of Existing Balances	If a creditor raises rates, but the higher rate does not apply to an existing balance, the creditor must offer a 5-year amortization period for repayment of the existing balance, and may not increase the percentage of the existing balance included in the minimum payment by more than double. (Sec. 2(a)).	When different interest rates apply to different balances in a credit card account, banks must allocate payments in excess of the monthly minimum to the balance with the highest rate, or divide the excess payment among all balances on a pro rata basis. (Reg. AA)
Advance Notice of Credit Card Rate Increases	Requires creditors to provide written notice at least 45 days before any rate increase takes effect. The notice must describe in a complete and conspicuous manner the change in the rate and the extent to which such increase will apply to an existing balance. (Sec. 2(c)).	Consumers must be given written notice of an interest rate increase at least 45 days before the higher rate takes effect. This includes rate increases stemming from default, delinquency, or a penalty. Change-in-terms or penalty rate notices must include a summary table setting out the key terms being changed. (Reg. Z)
Double-Cycle Billing	Prohibits double-cycle billing, or finance charges on balances on a credit card account that are based on days in billing cycles preceding the most recent such cycle. Exceptions are provided for deferred interest that may have accrued over several billing cycles, and for adjustment of finance charges following resolution of a billing dispute. (Sec. 3(a)).	Prohibits banks from imposing interest charges using the "two-cycle" billing method. (Interest charges may not be calculated using the account balance for days in the previous billing cycle.) Exceptions are provided for deferred interest that may have accrued over several billing cycles, and for adjustment of finance charges following resolution of a billing dispute. (Reg. AA)
Account Balances Attributable Only to Accrued Interest	If the outstanding balance on a credit card account consists only of accrued interest to previously-repaid credit, no fee may be imposed in connection with such a balance, and failure to make timely repayments on such a balance shall not constitute a default on the account. (Sec. 3(b)).	No comparable provision.
Periodic Account Statement Disclosures	Each periodic credit card account statement shall contain a telephone number, Internet address, and web site at which the consumer may request the payoff balance on the account. (Sec. 3(c)).	Mandates new formats to clarify required disclosures, for example, by grouping fees and charges together. Both monthly and year-to-date totals for fees and interest charges are required. The effect of making only the minimum payment must also be disclosed. (Reg. Z)
Right to Cancel Account Before First Notice of Open Account Provided to Credit Bureau.	Prohibits creditors from providing information about a credit card account to a consumer reporting agency (credit bureau) until the consumer has used or activated the card. Permits a creditor to furnish information about an application for a credit card account or any inquiry about such account to a consumer reporting agency. (Sec. 3(d)).	No comparable provision.
Use of Certain Terms Describing Interest Rates	Specifies the way certain terms may be used. "Fixed rate" may only refer to a rate that may not change for any reason over a specified time period. The term "prime rate" must not be used to describe a rate other than the rate published in Federal Reserve statistical releases. (Sec. 3(e)).	Advertising may use the term "fixed rate" only if the rate cannot be increased for any reason during a specified time period. If no time period is specified, the rate may not increase for any reason as long as the account is open. (Reg. Z)
Due Dates and Timely Payments	Payments received by 5 p.m. (local time) on the due date must be considered timely; electronic payments received by 5 p.m. must be credited to the consumer's account the same day; and evidence that a payment was mailed 7 days before the due date creates a presumption of timely payment. (Sec. 3(e)).	Banks may not treat a payment as late unless the consumer has been given a reasonable amount of time to make that payment. The "reasonable" standard will be met if banks mail statements at least 21 days before payment is due. (Reg. AA) Mailed payments received by 5 p.m. shall be considered timely. If payments are not accepted on the due date (if it falls on a weekend or holiday), payment received the next business day must be considered timely. (Reg. Z)
Pro Rata Payment Allocations	If the balance of a credit card account is charged 2 or more different interest rates (e.g., separate rates for cash advances and purchases), the creditor may not allocate more than a pro rata share of a consumer's payment to the part of the outstanding balance carrying the lowest interest rate. In the case of an outstanding balance subject to a promotional rate, other balances must be paid in full before payment (in excess of the minimum payment) is allocated to that balance. In addition, a creditor may allocate the entire amount paid to a balance on which interest has been deferred for the past 2 billing cycles. (Sec. 3(f)).	When different interest rates apply to different balances in a credit card account, banks must allocate payments in excess of the monthly minimum to the balance with the highest rate, or divide the excess payment among all balances on a pro rata basis. (Reg. AA)
Prohibition on Restricted Grace Periods	If a creditor offers cardholders a grace period within which to pay in full and not incur finance charges, that grace period must be available to cardholders who receive a promotional rate or deferred interest plan. (Sec. 3(f)).	No comparable provision.
Timely Provision of Periodic Account Statements	Creditors must send consumers periodic account statements not less than 25 calendar days before the due date. (Under TILA, the current standard is 14 days.) (Sec. 3(g)).	Banks may not treat a payment as late unless the consumer has been given a reasonable amount of time to make that payment. The "reasonable" standard will be met if banks mail statements at least 21 days before payment is due. (Reg. AA)
Consumer Choice Regarding Over-the-limit Transactions, and Limits on Related Fees.	If a credit card plan has a credit limit, and fees are charged for exceeding that limit, consumers would be able to prevent the creditor from completing any transaction that would exceed the limit. (Federal Reserve would issue regulations to provide for certain de minimis exceptions.) Consumers must receive annual notification of their right to opt-out of such fee-incurring transactions. Over-the-limit fees may be imposed only once over the two billing cycles following the transaction that exceeded the credit limit. An over-the-limit fee due to a hold may not be imposed unless the actual transaction for which the hold was placed would have resulted in the consumer exceeding the credit limit. (Sec. 4).	No comparable provisions. (A provision regarding holds on accounts that cause an account to go over-the-limit was part of the proposed regulations, but was not adopted in the final rules. See: Federal Register, Jan. 29, 2009, p. 5505.)
Information Collection Regarding Credit Card Lending	Directs the Federal Reserve to collect semiannual data on the types of transactions for which different rates are charged, the various types of fees, the number of cardholders who pay fees, finance charges, or interest, and other matters. The Fed shall report annually to Congress on the amount of credit card lenders' income derived from: interest paid at above and below 25%; fees from cardholders and merchants; and other material sources of income. (Sec. 5).	No comparable provision.
Subprime or "Fee Harvester" Cards	For cards whose annual fees exceed 25% of the credit limit, no payment of any fees (other than late fees or over-the-limit fees) may be made from the credit made available by the card. (Sec. 6).	Banks are prohibited from providing financing for security deposits and fees (such as account-opening or membership fees) if charges during the first 12 months would exceed 50% of the initial credit limit. Such fees and deposits charged at the time the account is opened may not exceed 25% of the credit limit. Any additional fees (up to 50%) must be spread over at least 5 billing periods. (Reg. AA)
Underage Consumers	Prohibits the issuing of credit cards to consumers less than 18 years old, except to consumers who are emancipated under applicable state law. (Sec. 7).	No comparable provision.
Applications and Solicitations	No provision.	Modifies required disclosures as to format and content. For example, key terms must be more clearly displayed, and new disclosures are required about penalty rates, grace periods, and variable rates. (Reg. Z)
Effective Date	3 months after enactment. (Sec. 8)	July 1, 2010

Mr. GUTIERREZ. I yield myself the balance of my time.

Well, let me first of all say, I look forward to continuing working with the ranking member of the full committee, SPENCER BACHUS. We have, indeed a great, I think, friendship. And we have a difference of opinion. That's what it is. And in America you can do that. That's part of what makes this the best Nation in the world.

And I look forward to continuing our discussion with Mr. HENSARLING. We may not agree, but we will agree not to be disagreeable or attack each other

personally or question our motives about what we do and why we do it because, for me, the bill does not equate to price controls. And I think a lot of America, listening to my friends on the other side of the aisle, think there's price controls here. There are none. There is no limit in this bill on the interest rate that you can charge. None whatsoever. Free market.

Rather, what the bill does is it brings transparency. It brings openness to the credit card marketplace. What could be better than to shine daylight on any

product? Because then the consumers know what they're getting and what they're not getting and they can say, no, I don't want that, or, yes, I do want that.

Transparency promotes competitiveness in the marketplace, which will eventually bring prices down. If you know what the price of something is at Store X and Y and Z, you're going to go where you can get the best deal because that's what Americans do. That's what this bill really does.

What this bill does is it tells the consumers and the credit card issuers,

honor your contract. Here's the contract. You told me it was 10, you told me it was 15, you told me it was 20 percent. You can't change it.

Under existing law, issuers can change the contract terms in the middle of the game. And what do they leave consumers with? As we know, we have a constricting credit, with nothing but to pay the higher interest rate.

You know, I want to tell the American people that right now, credit card companies can issue cards to 14-, 15-, 16-year-olds that are not emancipated. Now, who's going to pay those credit card bills? Mommy, Daddy, that's who's going to pay them. We all know that. Who's going to leave their kids out there? No one is. All good parents are going to say, well, that's my child, my son. I'm responsible for my daughter. I'm responsible. And the credit card companies know it. They know it. I don't know this to be a fact, but I'm sure they're checking into just what your credit ability is, and they say, well, Daddy can pay. Mother can pay. Let's give the child.

And listen, I want to make one thing clear. Even though the bill says 18, you know, emancipation, come on. In America, what 18-year-old is emancipated? You're not emancipated. They're 19, 20, 21, 22, and nobody throws their kids out of the house. Everybody keeps them and cherishes them and nurtures them and continues. Credit card companies know that, too, when they're issuing credit cards.

College students, you're paying tuition. You're paying for their room and board. You're paying for their health care. You're paying for their clothes, and then they send them a credit card to undermine your ability to give your child a college education.

And listen, everywhere you go in America, you want to buy clothes? Take a credit card. You want to fix your car? Got a credit card for you. Want to go buy a refrigerator? Take it on a credit card. Everybody offers you. So what we have is an economy that's on credit card basis. So all we're saying is, hey, since this has been promoted so much, let's make sure that we do this.

And listen, I remember when I didn't make \$174,000 as a Member of Congress. I remember when I lived paycheck to paycheck. I remember when the credit card companies would increase the interest rate or tell me, Mr. GUTIERREZ, through no fault of your own, we're not going to extend you any more credit. Pay down your bill at this credit interest rate higher than the one you took it out. I remember. Maybe we should all go back to remembering when things weren't so rosy in our own personal lives in terms of being Members of Congress and put ourselves in the position of people who live paycheck to paycheck. If we do that tomorrow, I think what we're going to do is we're going to stand on the side of consumers.

As Mr. BACHUS says, consumers are angry. The American public is frus-

trated. They're outraged by what credit card companies are doing.

Ms. LINDA T. SANCHEZ of California. Mr. Chair, I rise in strong support of H.R. 627, the Credit Cardholders Bill of Rights Act.

I'd like to thank Congresswoman MALONEY for her work on this issue. She has been a longtime champion of credit card reform and I wholeheartedly support her efforts.

The Credit Cardholders Bill of Rights Act could not be more timely. The constant stress of mounting bills in the face of skyrocketing unemployment and a foreclosure epidemic has American families caught between a rock and a bigger rock.

More and more working families have been forced to rely on credit cards to cover basic living expenses. The least we can do is make sure the credit card issuers are fair, open, and honest about rates and terms.

For decades, credit card companies have been allowed to operate under special rules that, under any other circumstances, would be considered outlandish.

Take for instance the credit card industry's ability to raise an unsuspecting cardholder's interest rate because he was one day late paying a different card belonging to a different company. Where else can creditors suddenly change the rules in the middle of a game?

It's like an umpire deciding that a batter hit by a pitch can take two bases instead of one in the middle of a baseball game. Consumers are playing an unfair ball game and there's no way to win.

Cardholders continue to pay millions of dollars in hidden charges, outrageous late fees, and unpredictable interest rates.

Despite the fact that most consumers make monthly payments that are more than the minimum required, cardholders cannot seem to make a dent on the average credit card debt of \$8,600.

There's a term for such one-sided contracts: UNCONSCIONABLE. And that's exactly what these credit card agreements are.

In the midst of the worst economic crisis since the Great Depression, I am certain that the passage of the Credit Cardholders Bill of Rights Act is simply the "right thing to do."

Provisions in the bill will level the playing field for consumers by barring credit card companies from raising interest rates without proper and timely notification.

These much-needed changes are long overdue and will help struggling debtors from sinking deeper in a financial hole.

I urge my colleagues, on both sides of the aisle, to join in fixing the inequities in the credit card industry by supporting this vital legislation.

Mr. GUTIERREZ. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the previous order of the House, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. MARKEY of Colorado) having assumed the chair, Mr. CUELLAR, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end

consumer credit plan, and for other purposes, had come to no resolution thereon.

---

#### REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 627, CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-92) on the resolution (H. Res. 379) providing for further consideration of the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes, which was referred to the House Calendar and ordered to be printed.

---

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the Concurrent Resolution (S. Con. Res. 13) entitled "Concurrent Resolution setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014."

---

#### APPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

The SPEAKER pro tempore. Pursuant to 44 U.S.C. 2702, and the order of the House of January 6, 2009, the Chair announces the Speaker's reappointment of the following member on the part of the House to the Advisory Committee on the Records of Congress:

Mr. Joseph Cooper, Baltimore, Maryland

---

#### COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,  
Washington, DC, March 3, 2009.

Hon. NANCY PELOSI,  
Speaker, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to 44 U.S.C. 2702, I am pleased to re-appoint Mr. Jeffrey W. Thomas of Ohio to the Advisory Committee on the Records of Congress. Mr. Thomas has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN BOEHNER,  
Republican Leader.

APPOINTMENT OF MEMBERS TO  
THE CONGRESSIONAL-EXECUTIVE  
COMMISSION ON THE PEOPLE'S  
REPUBLIC OF CHINA

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 6913, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. LEVIN, Michigan, Co-Chairman  
Ms. KAPTUR, Ohio  
Mr. HONDA, California  
Mr. WALZ, Minnesota  
Mr. WU, Oregon  
Mr. SMITH, New Jersey  
Mr. MANZULLO, Illinois  
Mr. ROYCE, California  
Mr. PITTS, Pennsylvania

COMMUNICATION FROM THE  
REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

HOUSE OF REPRESENTATIVES,  
Washington, DC, March 3, 2009.

Hon. NANCY PELOSI,  
Speaker, House of Representatives,  
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 333(a)(2) of the Consolidated Natural Resources Act of 2008 (P.L. 110-229), I am pleased to appoint Mr. Danny Vargas of Herndon, Virginia as a voting member of the Commission to Study the Potential Creation of a National Museum of the American Latino.

Dr. Aida Levitan of Key Biscayne, Florida and Mrs. Rosa J. Correa of Bridgeport, Connecticut were previously appointed and shall remain voting members.

Mr. Vargas has expressed interest in serving in this capacity and I am pleased to fulfill the request.

Sincerely,

JOHN A. BOEHNER,  
Republican Leader.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1830

NEVER AGAIN: WHAT WE DO DOES  
MATTER

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

Mr. MORAN of Kansas. Madam Speaker, a few weeks ago, I came to

this House floor to address my colleagues and bring to their attention the danger that Iran poses to Israel. I shared with my colleagues some of the things that the Iranian leader had said about Israel to illustrate the seriousness of the threat.

Madam Speaker, the Iranian President, Mahmoud Ahmadinejad, has again spoken. Last week, at the opening day of the United Nations Anti-Racism Conference, the Iranian President was given a platform on which to spread racist and hateful views. In his address to the conference, he called Israel "the most cruel and racist regime," said that Zionism "is a paragon of racism," and said the creation of Israel was founded on "the pretext of Jewish sufferings and the ambiguous and dubious question of the Holocaust."

While the Iranian leader's comments are disturbing in any context, it is even more troublesome that he would question the Holocaust on the day before we celebrated the Holocaust Remembrance.

It is hard to understand how the United Nations and so many other countries fail to take the Iranian threat seriously. It is more than ironic that the U.N. would give one who has denied the Holocaust and advocated for the destruction of Israel the opportunity to speak at a conference convened to combat hatred and racism.

Although the United States and a few countries had the sense to boycott the summit and thereby refuse to lend credibility to the conference and speakers like Ahmadinejad, too many nations continue to act with complacency.

Last Thursday, our Nation's leaders gathered in our Rotunda here in the Capitol for the National Commemoration of the Day of Remembrance to remember the 6 million Jews who were murdered in the Holocaust. The theme of this year's events was, "Never Again: What You Do Matters." That theme is a message for all of us to take very seriously.

When we say "never again," we need to think about the current threats to peace and security and take appropriate action to prevent senseless violence. Iran's pursuit of nuclear weapons is an existential threat to the people of Israel and a grave danger to the rest of the world.

Madam Speaker, the things we do do matter. It is time for us to join together and confront this Iranian threat.

Today, Israel celebrates its 61st anniversary of its independence; again, a day in which we ought to remember the threat that still remains. Congress can take action to address this threat by approving H.R. 1327, the Iran Sanctions Enabling Act, and H.R. 1985, the Iran Diplomatic Enhancement Act.

The Iran Sanctions Enabling Act gives States and local governments the authority to divest their assets from any company that invests \$20 million

or more in Iran's energy sector. The other piece of legislation, H.R. 1985, would sanction any entity engaged in activities that contribute to Iran's ability to import gasoline or fine petroleum.

I am a sponsor of these bills, and I believe that sanctions will increase pressure on the Iranian regime to change course and abandon its pursuit of nuclear weapons.

The Days of Remembrance call us to soberly evaluate the changes to peace we face and take swift action as best we can to address them.

Madam Speaker, I ask the House of Representatives to quickly approve the Iran Sanctions Enabling Act and the Iran Diplomatic Enhancement Act. "Never again: What we do does matter."

A KINDER, GENTLER MARXISM

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

Mr. CARTER. Madam Speaker, recently I read an article by Gene Edward Veith entitled, "A Kinder, Gentler Marxism."

He begins his comments by saying, "Barack Obama is not a socialist, explained Eric Etheredge of The New York Times, he is a "social democrat." The administration's attempt to control private companies and the free market should not alarm us, according to Etheredge and other pundits. European nations do this all the time. It is simply an application of the European political and economic theory known as "social democracy."

We were promised several things by our President during his campaign. He promised us government reform, a renewed and repaired economy, and more ethical business practices. And he did all this as we watched our economy crash.

After these 100 days in office, we need to illuminate the path that this administration is actually taking us down. It could be the path that leads us from limited government, that stimulates our economy naturally, to a government mostly aligned with social democracy like the social economies of Western Europe, with massive taxes and chronic high unemployment.

An objective definition of social democracy from Merriam-Webster's online dictionary is as follows: "A political movement advocating a gradual and peaceful transition from capitalism to socialism by democratic means." Or a second definition, "A democratic welfare state that incorporates both capitalist and socialist practices."

So this political and economic system either moves from capitalism to socialism or combines both capitalism and socialism to form a welfare state. We need to know more.

Here is the first paragraph from the Encyclopedia Britannica about social

democracy. "A political ideology that advocates a peaceful, evolutionary transition of society from capitalism to socialism using established political processes.

"Based on 19th century socialism and the tenets of Karl Marx and Friedrich Engels, social democracy shares common ideological roots with communism, but eschews its militancy and totalitarianism. Social democracy was originally known as revisionism because it represented a change in basic Marxist doctrine, primarily in the former's repudiation of the use of revolution to establish a capitalist society."

These definitions, paired with some of the actions we've seen so far in the administration, cause us concern that they may be indicative of gradual movement towards social democracy. We've got the stimulus bill, we've got the bank bailouts, now we've got the proposal that they will own 50 percent of General Motors, along with a 39 percent share for the unions, a 10 percent share for the bondholders, and a 1 percent share for the stockholders. As a result of these actions, the Federal Government's outrageous spending now equals almost 90 percent of gross domestic product. The GDP for last year was 14.2, and now 12.8.

So the question is, did we elect a President because we wanted to have a social democracy system? When Americans cast their vote for Barack Obama and they cast it for the Democratic Congress, did they also intend that this country should adopt social democracy, that lesser form of Marxism?

These are issues we need to talk about. And if this is the place our country is going, then maybe we need to amend or adopt new founding documents that more fit this form of government.

These are thoughts we ought to all think about. I know I'm thinking about them. I hope you are, too.

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

(Mr. BOYD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### NORTH KOREAN FREEDOM AND HUMAN RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, in Dante's "Divine Comedy," the in-

scription above the entrance to hell reads, "Abandon hope all ye who enter here." That should also, sadly, be the inscription above the DMZ for those turning northward, for North Korea is truly hell on Earth.

This is a land where the techniques of torture and brainwashing have been finely perfected, as portrayed in the film "The Manchurian Candidate." This is a land where political prisoners labor under conditions of slow starvation and massive abuse, as reflected in the South Korean drama "Yoduk Story."

Madam Speaker, I wish I could say that North Korea was no more scary than an Orwellian novel or a Cold War movie or a tragic musical production. Sadly, however, North Korea is no mere bogeyman who disturbs a child's dreams in the shadows of the night. North Korea is a frightening reality, a daily reality for over 23 million people. It is an immediate threat to our Armed Forces in the Pacific and to our allies in South Korea and Japan. It is a proliferation of weapons of mass destruction to fellow rogue regimes in the Middle East.

North Korea haunts us all, but it is no mere ghost, it is a real and constant threat. That is why I introduced last week a bill, H.R. 1980, the North Korea Sanctions and Diplomatic Nonrecognition Act. United we must stand for North Korean human rights and for an end to the repression of innocent human beings. For if we wish to find the real meaning of repression, we should turn our gaze to Pyongyang. If we seek the true definition of torture, we need look no further than the killing fields of North Korea. We must not forget the horrific accounts which our emaciated prisoners of war brought back to America after the 1953 Armistice.

We must not turn a deaf ear to the haunting tales of refugees and returned abductees who are among the fortunate few who are able to escape this hell on Earth. We must not silence our consciences in the name of diplomatic expediency. To be silent on fundamental freedoms and human rights is to tell the despotic leader, Kim Jong Il, that he can avoid these issues indefinitely. To be silent is to be an enabler.

We must highlight how prison guards cut still living babies out of the refugee mothers' wombs and slam their heads on the pavement for the so-called crime of being the mixed blood seed of Chinese fathers. We must shed light on the imprisoned Christians who were martyred by having hot molten metal poured on their exposed flesh. The executions carried out for stealing a little food to keep one's child alive during the famine. The refugees hunted down or trafficked in the sex trade in China.

On a regular business day in our Nation's Capitol, the topic of human rights and oppression may seem rather abstract. But human rights is found in each individual, case by case, and in their tears. It is found in the tears of

Mrs. Yokota, waiting for over three decades for the return of her little girl snatched away by agents of North Korea. It is in the tears of our own American citizens, Mary Ling, waiting for the return of her daughter, journalist Laura Ling. Laura was grabbed, along with fellow U.S. journalist Euna Lee, 6 weeks ago by North Korean border guards and then imprisoned in the gulag.

Human rights is also found in the tears of a Chicago citizen, Esther Kim, waiting for the return of the remains of her husband, U.S. permanent resident Kim Dong-shik. Reverend Kim was kidnapped by North Korean agents in China 9 years ago while helping refugees, and reportedly died of starvation and torture at a North Korean military base. It is found in the tears of Israeli apartment dwellers hit by missiles developed by North Korea for Hezbollah in southern Lebanon in 2006 from tunnels dug with North Korean assistance.

It is a grim picture, but we must not despair, Madam Speaker. Justice will ultimately prevail. In the same manner that we prevailed against the evil empire and Soviet-style Communism, with perseverance, with dedication to the defense of human rights, and the promotion of core democratic principles, the suffering of the North Korean people can also be brought to an end. May it be so.

#### HONORING REVEREND TIMOTHY WRIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Madam Speaker, I rise today in honor of Reverend Timothy Wright, a loving husband, a dedicated father, faithful pastor, and compassionate humanitarian. Grammy-nominated singer and composer, and also my dear friend.

Sadly, last week, Reverend Wright, the founder of the Grace Tabernacle Christian Center in Brooklyn, passed away. He had suffered for nearly a year with complications resulting from a tragic traffic accident that claimed the life of his wife, grandson, and of course the driver who hit his car head on.

Despite his struggles against improbable odds, having undergone numerous surgeries, Reverend Wright maintained unwavering faith in his God, even in the darkest hour.

□ 1845

Through his example, he showed us that, although he was physically down, he was spiritually vibrant.

Committed to his professed calling in life, one of the reverend's main desires in his last days was to return to his Brooklyn pulpit where he could encourage his congregants. I believe that his ability to be selfless during great suffering is evidence of a man who treasured, loved and lived life to the fullest that way as well.

Rev. Wright understood and demonstrated that life is not defined by everyday circumstances, nor is it about one's accomplishments. He defined life by his love for people. Rev. Wright's life was embodied in the example of the way he treated people and by the sacrifices he made for his family, for his church and for the Brooklyn community. It was not uncommon to find him giving tirelessly for a charitable cause, lending an ear to someone in despair or even extending personal resources to help anyone who needed him. He reached out to those society had thrown away. The reverend thought that adversity kept you humble and that sacrifice was a way to demonstrate faith in God's promise.

Many the world over will remember the surmountable feats Rev. Wright accomplished as a renowned musician. Having released more than a dozen gospel albums over the span of his 40-year career, Rev. Wright's songs of praise and worship were a blessing to all who had an opportunity to hear and to experience the testimonies he shared through his music. From his 1984 song "Testify" to his Grammy-nominated album "Come Thou Almighty King," Rev. Wright's music touched millions all around the world. His final one was "Jesus, Jesus." That was a tremendous record, and of course, many people were able to purchase it and to know him in terms of what he was all about.

Born and raised in Brooklyn's Bedford-Stuyvesant neighborhood, the passing of Rev. Wright is a great loss to Brooklynites, to New Yorkers and to, in fact, the world over because of his humanitarian spirit and, of course, his dedicated life in terms of how he felt and served people. He was an important voice and tireless advocate, concerned about the everyday issues that strangled his fellow neighbors. He hoped for the things his community hoped for, and he cared about the things that his parishioners cared about—family, friends and community.

The immeasurable contributions and countless investments that Rev. Wright made in the lives of people will far outlive his time on this Earth. Now absent in life, he will remain forever with us as his music, message and his legacy live on.

Let me just conclude by saying, "Sleep on, Rev. Wright. Sleep on. You truly made a difference, and I'm happy to have had an opportunity to know you and to live during your lifetime."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

(Ms. ROYBAL-ALLARD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### THE PASSAGE OF THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

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

Mr. FRANKS of Arizona. Madam Speaker, with all of the challenges that we have in our country, the wonderful reality is that we still hold these truths to be self-evident that all men are created equal and that they are all equal because they are all God's children.

In fact, Madam Speaker, the essence of America is that all people should be treated with the same respect and should be protected completely equally under the law. To break up people into different categories and say that one group is more worthy of protection than another and then to grant special protection to some groups and not to others, it fundamentally diminishes the protection of all of the other remaining groups.

Madam Speaker, a short time ago, this body voted to pass H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009, and I believe that it did just that. Regardless of whether a person is white, black, handicapped, healthy, sick, old, young, homosexual, heterosexual, rich, poor, a janitor, a Senator, a veteran, a police officer, a senior, or whatever the case is, he deserves equal protection under the law. That is the foundational premise of this Nation. The legislation that we voted on today moves us all directly away from that basic foundation in a profound and dangerous way.

This legislation would prosecute individuals not on the bases of their crimes but on their alleged motivations for committing those crimes. It requires law enforcement officials and prosecutors to gather evidence of the offender's thoughts rather than of his actions and his criminal intent. This should strike us all as inherently dangerous.

The First Amendment of our Constitution was crafted because our Founding Fathers recognized that the freedom of thought and belief is the cornerstone of every other freedom. It is the foundation of liberty, itself, because, without it, every other freedom, including the freedom of speech, becomes meaningless.

Madam Speaker, there is another insidious aspect of this legislation which, I believe, would have the most tolerant Americans up in arms if they were truly aware of it, which is, not only does this legislation require law enforcement to investigate an individual's motivations—those are the thoughts and beliefs that seemingly motivate him or her to commit a crime—but it would expand the scope of the prosecution to include individ-

uals or members of organizations or religious groups whose ideas or words may have influenced a person's thoughts or motivations when he committed a crime.

Under such a bill, individuals who may not have even been aware of the crimes could receive the same or similar penalties as the criminal, himself, receives. It would only take some arbitrary prosecutor to construe that an individual had influenced the beliefs or thoughts of a perpetrator of a crime and, thereby, somehow caused hateful or violent acts. This raises the very real possibility that religious leaders or members of religious groups could be prosecuted criminally based on their speech, association or other activities that have been specifically protected by the First Amendment of our Constitution for the last 220 years.

Madam Speaker, this would have a devastating and chilling effect on free speech in America. Who could blame pastors, educators or any other cultural leaders if they chose to cease expressing their beliefs for fear of being thrown in prison and charged with a Federal crime? This is not rhetorical speculation. It has already happened in the case of the Philadelphia 11 and in other cases. In the Philadelphia 11, 11 individuals were jailed, and they faced \$90,000 in fines and 47 years in prison for simply speaking the gospel openly and publicly.

One unscrupulous government entity plus this hate crimes legislation equals the perfect combination for tearing away from American citizens some of the most basic constitutional rights in our Nation's history. Advocacy groups and religious organizations will be chilled from expressing their ideas out of fear of criminal prosecution. In fact, "chilled" is probably a profound understatement. Many will be simply terrified or intimidated into complete silence.

The fundamental purpose of this body is to protect the lives and the constitutional rights of the American people regardless of who they are or what they believe. Unfortunately, the hate crimes legislation will do just the opposite by granting unequal protections based on personal beliefs and thoughts, and it will endanger the constitutional liberties of millions of Americans.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. GOODLATTE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. MICHAUD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. CONAWAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. MURPHY of Connecticut addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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

(Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### PUBLICATION OF THE RULES OF THE JOINT COMMITTEE ON THE LIBRARY, 111TH CONGRESS

The Speaker pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY of Pennsylvania. Madam Speaker, the Joint Committee of Congress on the Library held its organizational meeting for the 111th Congress on Thursday, April 23, 2009. I am honored that the committee elected me its chairman. I look forward to working with my committee colleagues to discharge the panel's responsibilities.

As required by the rules adopted by the committee, I submit those rules for publication in the RECORD:

#### RULES OF PROCEDURE OF THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY, 111TH CONGRESS

##### TITLE I—MEETINGS OF THE COMMITTEE

1. Regular meetings may be called by the chairman, with the concurrence of the vice-chairman, as may be deemed necessary or pursuant to the provision of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personal or internal staff management or procedures;

(C) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under the provisions of law or Government regulation. (Paragraph 5(b) of rule XXVI of the Standing Rules of the Senate.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members at least 3 days in advance. In addition, the committee staff will email or telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed

testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman waived such a requirement for good cause.

##### TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum.

2. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 members of the committee shall constitute a quorum for the purpose of taking testimony; provided, however, once a quorum is established, any one member can continue to take such testimony.

3. Under no circumstance may proxies be considered for the establishment of a quorum.

##### TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a recorded vote will be taken on any question by rollcall.

3. The results of the rollcall votes taken in any meeting upon a measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor and the votes cast in opposition to each measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matters shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

##### TITLE IV—DELEGATION AND AUTHORITY TO THE CHAIRMAN AND VICE CHAIRMAN

1. The chairman and vice chairman are authorized to sign all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf on all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, on behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

##### THE FIRST 100 DAYS

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

Mr. AKIN. Thank you, Madam Speaker. It's a pleasure to be able to join you, my colleagues and friends this evening.

The topic for our Wednesday evening discussion is "the first 100 days." It has become kind of a tradition for people to take a look back at previous Presidents and at the current President and say, "What happened in the first 100 days? What kind of records were set?"

What sort of tone was set? What were the accomplishments? What was sort of the pace of how the new President has approached the office?"

It's quite interesting. Obviously, there are very different Presidents, different political points of view, different things that they're going to focus on, and there are different times and different challenges. Tonight, we're going to take a look at that. We're going to take a look at those first 100 days. There were some records that were set, and there was a record that was set in a unique situation because, unlike any other time and for a long time, the Democrats have been totally in charge in Washington, DC.

In the case of our own House here, this is a body that, as to whichever side has the majority of votes, it pretty much does what it wants without too much regard for the other side. That has been fairly traditional, but it is even more so now under the Congress of Speaker PELOSI. They can do what they want, and they do do what they want. In fact, a lot of the legislation is written directly with the staff, and it comes to the floor and is voted on.

The Senate is a different matter. The Senate has always required 60 votes to get a bill before the Senate for just a regular vote. So you have 100 Senators. If you have 51 Senators voting in favor of something, you can pass a bill, but unless you have 60 votes, you can't get it to the floor to get it passed. It's kind of an odd rule. Many people don't know that. Of course, the Democrats almost have the 60 votes they need to control the Senate as well, and of course they have the Presidency. So we have here on the flip chart "100 Days of Democrat Dominance." It is certainly the case.

Now, as to one of the things that the President challenged Americans to do when he came to office, he said, "I want you to hold our government accountable. I want you to hold me accountable." So we're going to take a look at these first 100 days and see accountable and what regard and what sort of records have been set.

One of the records that we set was accumulated debt. That's kind of an interesting number. If you take a look at President Clinton, in his first 100 days, he managed to rack up \$86 billion of debt. This is President Clinton. President Bush didn't rack up any debt at all. In fact, he had \$70 billion of surplus at the end of his first 100 days. The clear winner in this regard is President Obama with \$564 billion of debt. That's half of \$1 trillion of debt. So the clear winner in the accumulated debt contest has to go to President Obama.

Now, in coordination with this, if you take a look at National Debt Day—and we have a National Debt Day. That's the time when we have finished spending all of the money we've collected that year in taxes. As you know, we get the taxes in on April 15. People send their taxes in. The government gets its money, and it has been spending since the beginning of the year.

The question is, "How far do you get into the year before you run out of money?"

A lot of families have that problem in terms of the family budget, but usually what happens is we get to about, you know, August, sometimes to July in a bad year or to September. Not so this year. We have set another record in terms of debt day. It's already gone. It was 2 days ago. It was April 26. By April 26, we'd spent all of the money that was coming into the Federal Government in taxes this year. That's not a good sign. That says we're creating a tremendous amount of debt.

Therefore, that leads to another record. We have a clear winner in terms of who can pile up the most debt in a very short period of time. If you take all of the Presidents added together from George Washington to George Bush—the two Georges—you have a total of \$8.5 trillion in Federal debt. With President Obama—with his own numbers and with his proposed budgets—you have \$8.7 trillion, so he beats by 1½, just by his own spending alone, all of the other Presidents combined. So we have another great record that was set.

There have been other kinds of records, but I notice my good friend is here, the gentleman from Texas, Judge CARTER, a highly respected judge. There's something about judging, and there's something about Texas which sort of combines common sense and not putting up with a lot of flowery kind of stuff.

Judge, you're known as a man who gets right to the point, so I'd like to yield you time. Help us and join in. Take a look at these last 100 days. Let's talk about records. Let's talk about holding people accountable. What has been going on?

□ 1900

Mr. CARTER. These are really not the kind of records we like to have. We don't try to set these kind of records. These are records that we will be paying for for generations to come.

I want to remind you that this is 100 days of Democrat dominance. So the President had some help on these things, and that is the Democrat majority and the House and Senate certainly helped to move this along—in record time, I might add. Sometimes those things just completely almost bypassed the whole process and just came popping up on the floor kind of like a Jack-in-the-Box surprise. "Here we are. Let's vote." And sure enough, we managed to break all kinds of existing records.

And I have to point this out because my daughter, I promised her I would. The last time I talked about this Debt Day, I failed to say that was my daughter's birthday. Danielle Carter. Her birthday is on the 26th day of April. And she probably, in her lifetime, has probably not gotten the biggest present in the world because it was so close to tax day that maybe she didn't get it.

So she understands how close her birthday is to the day we pay our income taxes.

Mr. AKIN. Reclaiming my time, she really did get a present on Debt Day in a sense because that debt is being unloaded on her, isn't it?

Mr. CARTER. Oh, yes. It's like that college debt. It's going to go on forever. That's something that we ought to be thinking about as we run these things up.

I find it phenomenal that we can, in actually less than a hundred days, spend more money than everybody else spent in 200-and-some-odd years, including George W. Bush. Add them all together and sure enough, this Democrat Congress and this Democrat President managed to outspend them all. I mean, I tell you what, that's breaking some records right there.

Mr. AKIN. Reclaiming my time, there are some records being broken, aren't there? What we've seen is a lot of complaints over the last years about the high cost of the war in Iraq, the high cost of war in Afghanistan, President Bush just squandering and spending way too much money. And a number of us voted not to spend some of that money. But there were a lot of complaints.

And then you take a look, you add up the entire cost of the war in Afghanistan and Iraq, add it together, and within the first 5 weeks here in the Congress, the Democrats passed a bill at \$840 billion that was more than those two wars combined over a 6- and 7-year period.

This is a record-setting Congress when it comes to spending. If spending is going to make the economy strong, we're going to have the best economy the world has ever seen.

We're joined by a good friend from Louisiana, Congressman SCALISE. Comment on this first hundred days. Let's talk about records and what kinds of things we've seen here.

Mr. SCALISE. I thank my friend from Missouri for continuing to host these discussions where we can really talk about the policies, what happens here in Washington, how it affects people across the country.

But as we stand here today on the 100th day of President Obama's administration, it's going to become a tradition, as you said, going back to FDR—which there are a lot of ironic similarities to FDR in this administration—but that's when they started measuring Presidents by their first hundred days. A lot of people like doing letter grades for a President's first 100 days.

Mr. AKIN. What you're saying is A to F, is that what you're suggesting?

Mr. SCALISE. Some people stop at F. I actually use a different rating, and I have been asked, How do you rate President Obama's first hundred days? And I've said that I rate President Obama an "L" for "liberal."

Mr. AKIN. Reclaiming my time, that's cheating. I thought it was A to F. You're going all the way to "L" for "liberal."

Mr. SCALISE. Congressman FLAKE from Arizona, when we first had this conversation, and I agreed with him, and really, it's a characterization based on policy.

I think in terms of personality, clearly President Obama is one of the more articulate speakers in Presidents that we've had. I think President Reagan still rates up there as probably the top. Unfortunately, I don't think we have had anybody like Reagan since he left office and unfortunately passed away.

But in terms of policy—and I think this is really what really matters and that is what the American people are watching—it's this reckless spending. Spending at record levels. A budget that just passed today here on this House floor that all of us opposed but unfortunately passed, the largest budget in the history of our country, a budget that would double the national debt in 5 years, triple the national debt in 10 years.

I think if you look at what happened just a few weeks ago with these TEA parties, these taxpayer TEA parties, where hundreds of thousands of people showed up around the country. They weren't necessarily revolting against this President or revolting for a party or against a party. A lot of people really don't understand what happened in the media who were covering the TEA parties.

What really happened on that day back on April 15 was people across the country said—maybe some of them voted for the President, some of them voted against—but they said, We're very concerned about the direction of our country because of the reckless spending and borrowing that goes with it and what it would do to our future generations, to our kids and grandkids, where, literally, we will be borrowing this money from China, from India.

Mr. AKIN. Reclaiming my time, I also had a chance to go to the TEA party in St. Louis, and parking in St. Louis is a real pain in the rear. And yet you had 7,000 people jammed into this square, and they were exercised. I mean, this was not politics-as-usual in America. And I think you're right. I think the high level of spending, but I think there were other things that were getting them energized.

There are some of these sort of interesting juxtapositions. Here's one that caught my attention.

The Obama administration announced a \$1.4 billion cut to missile defense, and the same week, North Korea launches their missile. That's the sort of thing people go, Wait a minute. I don't understand this. The North Koreans just launched this big missile. They are obviously working on nuclear devices and developing the technology through a missile to deliver a nuclear device and so they are shooting off their missile and we are cutting missile defense. That's the kind of thing in our TEA party, people were really mad. When I went down there they said to me, By golly, you've got courage to

even show up down here because you come from Washington, D.C.

Judge Carter.

Mr. CARTER. Not only has this administration cut missile defense, but they are also cutting the F-22 fighter, which, by all analysis, we need a new fighter because of some real technological advances that the Russians and the Chinese have made in their fighting planes. And we have had fighter pilots telling us this for years. The F-22 has now been scrapped, the missile defense, as you point out, has now been scrapped.

So you can't accuse this budget of overspending in the area of defense because it actually is going less in the area of defense and is spending in other areas. Many of which, I would argue, are some sort of voodoo economics. But that's my personal opinion.

But make it clear, missile defense we need.

Mr. AKIN. Reclaiming my time, the argument is going to be made as we slash the defense budget, we see a lot of things that are being axed, being on the Armed Services Committee, I am seeing those. And the argument is going to be made, Hey, you know, you can't just afford everything.

And what struck me was when we came here after the first 5 weeks the Congress had been in session, we're going to pass this, quote, stimulus—which I still call a porkulus bill—and I came across this floor—we just smoked \$840 billion. I started dividing that thing out because in the committee that I serve on, the biggest thing you spend money on is aircraft carriers. I mean, even the average person on the street knows aircraft carriers are big and expensive. They have got a whole wing of airplanes on them and thousands of people on board. Aircraft carriers, that's a substantial investment.

So we have 11 aircraft carriers. You take the average cost of that and divide that, about \$3 billion, into \$840 billion. Oh my goodness. You picture this. You're looking at 250 aircraft carriers end-to-end. I don't know how long they would go, but you're talking about a lot of aircraft carriers.

So we start talking about, well, we're going to cut missile defense right at the time when the North Koreans launch their missile. And then the other thing—talk about juxtaposition in timing—the Obama team sent a video to the Iranian people talking about a shared hope, and the Iranians responded by opening a plant to produce weapons-grade uranium. Somehow or other it's like ships passing in the night here. It's like, wait a minute, what are we talking about here?

We've been joined by another great Texan, a Congressman from the Brady district. KEVIN, we would be happy if you want to join us in our little discussion. We're taking a look at the last 100 days and different things, records that are being set, things that are a little unusual, distinctive characteristics.

I yield.

Mr. BRADY of Texas. Thank you. I appreciate you leading this discussion tonight with the American public. I'm glad to join my other friends, conservative friends, who, frankly, are worried about what the first 100 days mean to our country. I didn't move to Washington. I live in Texas with my family and just commute to work each week to Washington. Continental has given me my 1 million miles flown card, which is a lot of keeping in touch.

Sometimes you wonder, you know, the people up in Washington, they seem to be in a bubble. It's just so disconnected from the real world. I asked some of our Facebook friends what they thought of President Obama's first 100 days, sort of an out-of-Washington look at the Nation.

Rachel, who is a Sam Houston State University alum, said she was really disappointed to see all of the spending on unnecessary programs that do not help the economy but, rather, put a further strain on it.

Norma expressed her disappointment to the taxpayer-funded spending spree. She said, It's a disaster. She wrote, At the current spending rate, the deficit is going to be an anchor around not only our necks but our grandchildren's as well.

Norma, you're right.

Melody said if she were to grade this President, it would definitely be a flunking grade. In the debates, he promised to cut spending and reduce the size of the deficit. Ha. I am sickened by the wasteful spending. It is like watching a train wreck happen.

I will come back in a minute and tell you a little more about my thoughts. But that's just an inkling of what real Americans think about this first 100 days.

Mr. AKIN. I appreciate you sharing that and particularly asking that question of just regular people. I am the same as you are, flying back and forth to Missouri, the Show-Me State, or some people like to call it the Great River State. And I am not sure that their perspective is quite the same as it is in D.C. as well.

Judge CARTER, did you have a thought or two about other kinds of records or unique circumstances? I think there are quite a few things as we start to think about it.

Mr. CARTER. There is so much to talk about, but the one that just pops off the page is the promise that was made that I will cut taxes on 95 percent of the American people. That's what the President of the United States told us during the campaign. "I assure you I will cut taxes on 95 percent of the people."

He also said he was going to raise taxes on the wealthy. You may have heard me talking earlier—one of the indications of social Democrats is class warfare, the hardworking American worker versus the rich man. How many times have we heard that?

But now we've got this great energy tax that they call cap-and-trade, which

makes no sense at all. Even the name makes no sense. But the reality is, it's a tax on energy, all sorts of energy. And it's a tax on existing energy that's going to make everybody's bill go up because the American people are going to pay that tax, and that means the middle class.

Mr. AKIN. Reclaiming my time, let's take a look. What you're talking about is some of the promises that the President started out by saying, "I want you to hold our government accountable. I want you to hold me accountable."

So what we've done here, I've got some slides, and these are things that are quotes out of the President's speeches and all.

This one, as you recall, he says, "I can make a firm pledge under my plan, no family making less than \$250,000 a year will see any form of tax increase." Now, when I heard that, I breathed a sigh of relief. By golly, I don't make \$250,000. I don't need to worry about any tax increase because he promised me that. Not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

□ 1915

Now, he repeated this promise to all of us in this Chamber before, saying, hey, if you're making \$250,000 a year, don't worry about paying any taxes. And now you're getting me very upset, judge, because what you're telling me is he's going to put a tax on energy. And my family doesn't make \$250,000 a year, but we turn on light switches. We burn propane gas, and we also burn gasoline in the cars.

Mr. SCALISE. Will the gentleman yield.

Mr. AKIN. Yes, I yield.

Mr. SCALISE. I sit on the Energy and Commerce Committee, and for the last 2 weeks we've been having hearings on President Obama's cap-and-trade energy tax. A number of things have come out that Judge Carter and that you've mentioned that are very frightening that have not been conveyed to the American people, in fact, go directly against President Obama's pledge there that people making less than \$250,000 would pay no new taxes. The President's own budget, again, a record budget, the largest in the history of our country, a bill that passed this House today, his budget has a line item in it that allocates \$646 billion that would come in the form of new taxes from this cap-and-trade energy tax. Now, that is a tax on energy that every American family uses.

A few of the things that have come out in committee that have not been denied by anybody: Number one, the President's own budget director just a year ago was testifying before Congress, when he was the head of the Congressional Budget Office, he said this cap-and-trade scheme would roughly add \$1,300 per year more to every American family's energy bill, their utility bill. That's a low estimate. We've had revised numbers that have

gone over \$3,000 per American family that they would pay in higher energy taxes if this cap-and-trade energy tax passed.

Mr. AKIN. Reclaiming my time, I thought I heard the MIT professor say it was \$3,100 per average family.

This is something that's a little upsetting because first we have this promise. It couldn't be any more clear: If you're not making \$250,000, you don't have to worry about this tax increase.

Now, the energy tax hasn't been passed yet; right?

Mr. SCALISE. Fortunately, it has not. It's in committee still.

Mr. AKIN. So in that regard, he hasn't broken a promise. He's just proposing it. But then how about this SCHIP that we voted on? This thing has got a tax increase in it for people making less than \$250,000.

You know, this kind of thing, saying one thing, doing something different, is what creates some of that tension, that frustration that we saw in the people with tea bags wanting to dump them in the Mississippi River.

I yield to the gentleman from Texas.

Mr. BRADY of Texas. I agree exactly with what has been said today. And I can tell you from the Ways and Means perspective, from the tax perspective, the President isn't keeping that promise. We saw that right off the bat. The second bill he signed was an increase on a lot of low-income and middle class families to the children's insurance program. And the budget that was rushed through Congress today that I will bet not one Member who voted for it actually read this multi-trillion dollar budget—again, this first 100 days has been a rush to bad legislation—it includes tax increases of \$1.5 trillion, the highest in American history.

As the gentlemen from Louisiana and Texas and as you pointed out, in addition to the national energy tax, you're looking at increased taxes on professionals and small business people; increased taxes on independent, small energy companies, the ones that drill 90 percent of the wells here in America; so we're going to outsource our American energy jobs. The climate change national energy tax. Increased taxes on capital gains and dividends, a source of a lot of revenue for our seniors in America and a source of capital. New taxes on real estate partnerships. On U.S. companies headquartered here who are trying to sell their products around the world, we're actually going to penalize them for selling American-made products around the world. It is crazy the number of tax increases.

Mr. AKIN. Reclaiming my time, how do you explain this promise in the context of what you're saying?

I yield.

Mr. BRADY of Texas. The promise was: "Under my plan no family making less than \$250,000 a year will see any form of tax increase." That promise has already been broken. And the budget we passed today ensures that it will be broken even further.

What everyone knows is with this spending, there's no free money. Someone is going to have to pay for this record deficit. It's going to be middle class families. It's going to be small business people. It's going to be people that make a whole lot less. And a good example, look at the stimulus bill. It started phasing out all of these benefits if you make \$80,000 a year. That's what it started to do, including the Making Work Pay tax credit, that measly \$1.10 in your paycheck. They start phasing it out at \$80,000. That's who this White House believes is wealthy. We've already seen the model.

Mr. AKIN. Reclaiming my time, it seems to me that pretty much everybody in Washington, D.C., and across the country, as we started this 100 days, if you asked what do you think the main deal needs to be? What does Washington, what does our political leadership, what does the President have to be paying attention to? Wouldn't you agree that that would be the economy? I mean I think everybody, regardless of your political stripe, would say you've got to pay attention to the economy.

And so if you take a look, one of the ways we measure the economy is the gross domestic product. That's how are things working? Is the machine oiled properly? Is it tuned properly? Is it running smoothly? And we got a number today. As I understand it, we set another record. We have a lot of records we've been setting. Unfortunately, they haven't been very good ones. And that was that the gross domestic product number for this quarter, the first quarter of the year, was that we had shrunk the economy by over 6 percent, which is how much the economy shrunk in the previous quarter. When you put those two together, it's the biggest shrinking in the economy in 60 years. Now, that's a record. I'm 61 years old. That's a record for me. But that's not a very good record.

And some of you who are on committees that deal immediately with the budget might want to comment. What does it mean to have the gross domestic product in this country shrink by 6 something percent? That never happened under President Bush's leadership. Anybody want to comment?

I yield to the gentleman from Louisiana.

Mr. SCALISE. What you're talking about, and we touched on it a little earlier, over the last few years we've heard a lot of complaints about previous Republican Congresses and the spending. I was definitely one of those people that was not happy with some of that level of spending. In fact, if you look back in 2006, the last Republican Congress that we had, I was not here, but in that 2006 Congress, the deficit, the Federal deficit, was about \$160 billion, a number I think that was too high, \$160 billion. Today, just 3 years later, with a Democrat Congress and the White House, that deficit went from \$160 billion in 2006 to what it is today, \$1.9 trillion.

So for those of us who had concerns about the deficit 3 years ago that are voting against this reckless spending today, what I think is hypocritical is you hear some people complaining about the spending that went on 3 years ago when it was \$160 billion, but yet they're voting for the spending today when it's \$1.9 trillion of deficit just this year.

So I think the American people are watching all of this. Clearly they were watching it when they took to the streets on April 15 in those TEA parties and said enough is enough. We have got to stop this reckless spending because of what it's going to do to future generations. I have got a 2-year-old daughter, and my daughter, Madison, she's going to be the one, her generation is going to be the one, that's going to have to pay these bills.

And those of us that were here voting today, this is my voting card, and this is the card that Members of Congress use to cast their vote. Some people up here think that this is a credit card, that they can just rack up trillions of dollars of debt that the future generations of this country are going to have to pay. That's not responsible. Obviously that's what we are trying to stop.

Mr. AKIN. I would like to get back to that before we close tonight because I want to contrast that mentality with the mentality of what has been called the Greatest Generation, the generation of our parents and what they did.

Judge CARTER.

Mr. CARTER. You asked what that two consecutive quarters of 6 percent negative growth means. That means, I believe, and I know my friends talk about this all the time on the Ways and Means Committee, I believe that means recession. Two consecutive quarters is the definition of recession. So we are now in the Obama recession. So it's one of those things you've got to think about. As we keep blaming other people, at some point in time you have to take credit for what happens on your watch.

I heard two Members arguing today, an interesting argument: How long is it going to take us to pay off this debt we are accumulating? One of the Members said, well, it's estimated 3,000 years.

The other one said, no, that's not right. It's maybe perpetuity.

He said, how do you get that?

He said, the only way you get that 3,000 year number is you've got to show a surplus. And there is no surplus projected within a couple of lifetimes, based upon what we are doing right now. So, therefore, it's like this never-ending debt.

And another one said, well, that's like a Ponzi scheme. You get one bunch of investors to invest in your product, and this is like our boy that's in jail right now, and then you get another bunch of investors and you pay these investors from these investors, and then you pay these investors from these investors. Why isn't this a Ponzi scheme?

Mr. AKIN. What do you do when people do that? Don't you put them in jail?

Mr. CARTER. That's what we are supposed to be doing with them.

We have got to wake up and realize what we're creating. We're creating another generation paying for this generation and then another generation will pay for that generation. And at some time when you get numbers like these, it becomes so overwhelming, what are we going to do?

Mr. AKIN. Reclaiming my time, the trouble with the Ponzi scheme is sometime the music stops and there aren't enough chairs and then the proverbial stuff slides down the wall and then there's a big problem. That's part of what started this whole thing, what was effectively a pyramiding scheme in a sense.

But some people want to say this is a failure of free enterprise, the problem that we're having in the economy. It's not a problem of free enterprise; it's a problem of socialism. It's a problem of this government telling Freddie and Fannie that they had to make loans that weren't going to work. If you tell someone you've got to do something and they're saying to you economically this isn't going to work and you force it and you keep doing that and then you have a bunch of other people playing along with the scheme and give it a AAA rating and sell it all over the world, pretty soon the music stops. And now what's happening is it's affecting the entire economy.

I yield to my friend from Texas, KEVIN.

Mr. BRADY of Texas. I wanted to answer the question, what does this double quarters of 6 percent mean? What it means for average Americans is that America is going to go much deeper into debt and our kids are going to have a burden that they can barely carry.

What's interesting is that the President's budget, the one that was rushed through the House again and Senate today, it based its assumptions and its huge deficits on a contraction this year, a shrinking of our economy, of 1 percent. They've used such rosy economic indicators.

Mr. AKIN. Reclaiming my time, you're saying the budget today that we passed said the economy is going to shrink by 1 percent. Is that per year?

Mr. BRADY of Texas. By 1.2 percent this year.

Mr. AKIN. This year. And then how much did we just shrink in the first quarter?

Mr. BRADY of Texas. Six point one percent and on top of 6.3 percent last quarter.

Mr. AKIN. I've heard of optimists before, but this stretches the long arm of conscience.

Mr. BRADY of Texas. I'm glad you raised that. The President said this is the most honest budget ever presented to Congress.

Mr. AKIN. Reclaiming my time, the President made some promises. One of

them was there weren't going to be any tax increases if you made less than \$250,000. For "Show Me" guy from Missouri, that's puzzling, that promise.

Here's another promise: He promised transparency. He says, "I will not sign any non-emergency bill without giving the American public an opportunity to review and comment on the White House Web site for at least 5 days." So we are going to have some transparency here.

Now, I wonder how much transparency there was in that budget you're talking about that says we are just going to assume it's going to contract 1 percent when this quarter it has already contracted 6 and it contracted 6 the last quarter. What kind of numbers are those?

I yield.

Mr. BRADY of Texas. Well, they're bad numbers. And I think that's why it was rushed through Congress so that people couldn't ask those questions. But the truth of the matter is the result of that, of cooking the books with rosy numbers that don't exist that no one agrees with, is that we will face close to a \$2 trillion deficit just this year.

□ 1930

There are trillion dollar deficits as far as the eye can see. So when Judge CARTER said we may not see another balanced budget in our lifetime, that's no exaggeration. We may not see a balanced budget in our lifetime.

Let me make one correction that I hear, I guess if you repeat something often enough people believe it, but you often hear up here Democrats who say President Clinton gave President Bush a surplus, and President Obama inherited a huge deficit.

That's awfully misleading. The truth of the matter is that the surplus that was given to President Bush wasn't created by Democrats in Congress but by Republicans in Congress who sat down with President Clinton and said we are going to balance this budget. And I was here on a night like this night where we passed the balanced budget agreement.

And guess who voted against it? Democrats.

And then, when you talk about the deficit President Obama inherited, that didn't come—

Mr. AKIN. Reclaiming my time, let me just summarize and see if I got what you said. What you are saying is we kept hearing from the Democrats that President Bush inherited all of this surplus, and it was somehow because, I guess, President Clinton had done something right.

But, in fact, those years, the Republicans controlled the House and they forced President Clinton to balance the budget, and that's why he got his surpluses because you guys made him have a surplus. Did I understand that correctly?

Mr. BRADY of Texas. And congressional Democrats voted against the

balanced budget agreement. So that's the first part of the equation. The second one is President Obama did inherit a big deficit, but he inherited it from congressional Democrats who held power for the last 2 years. They didn't even send President Bush a budget because they knew he would spend less.

And so my point of that is that you can't take credit for a surplus you didn't create and avoid blame for a deficit you did. That's one of the big, I think, misperceptions, the big lies in Washington, D.C.

I agree with other conservatives that Republicans, I think, got fired because we didn't control spending well enough, even though we whittled that deficit down, and we are learning from those mistakes. That deficit now is 10 times greater, and we are in a mess we may never recover from.

Mr. AKIN. Gentleman, you just said that you are talking about a deficit, was it \$2.1 trillion just for the next 2 years?

Mr. BRADY of Texas. Almost \$2 trillion just for this year.

Mr. AKIN. To put that into context, if you go from George Washington to George Bush, and you add up all of the debt that's been accumulated, you are looking at \$5.8 trillion. So what you are saying in 1 year, we are going to do not quite half of that, everything since 1770s to now, we are going to burn that in 1 year? My goodness.

Judge CARTER.

Mr. CARTER. And that's the deficit. The debt is worse than that, because we are borrowing all this money that we are spending right now.

And so when you look at all these packages that we put together, and you total them up, that's where your \$8.7 trillion comes in right there that you have got demonstrated there. It's the debt.

In addition, as KEVIN points out, they made false assumptions of the growth of this economy. Based upon those false assumptions, everybody's already told them they weren't going to work. They were told by all the authorities that look at these things, these numbers don't work. They went ahead with them, anyway, and now we're looking at a \$2 trillion deficit. So the debt gets even worse.

I heard somebody say this morning, somebody ought to tell every graduating senior this year that they can add \$156,000 to their school debt, because that's what they are going to have to pay off. That's going to be their share of what they are going to have to pay off in their lifetime.

Mr. AKIN. You said \$156,000?

Mr. CARTER. That's what the guy said. I don't want to take credit for that number. I am just telling you I heard it on the television this morning, and it shocked me.

Mr. AKIN. Some of these numbers do involve making certain assumptions, and if you doctor the assumptions, the numbers may look better than they really are. We just talked about one

where they said the economy is going to contract by 1 percent, and we have already gone through 6 in the first quarter.

I yield to the gentleman from Louisiana.

Mr. SCALISE. You know, when we throw all of these numbers around, obviously the massive amounts of money—and when you talk about trillions of dollars, it's such a large number that it's hard for many to grasp just what that really means.

When we talk about the budget, and ultimately you look across this country, we are in tough economic times. Families across this country are actually cutting their budget. They are tightening their belts to live within their means.

And I think what frustrates most people is when they look at what's happening in Washington, whether we are talking about hundreds of billions in deficits or trillions in deficits, which, unfortunately, we are in today, they look at these numbers and they say, what's happening up there in Washington when we are tightening our belts, we are cutting back, Washington is actually mushrooming spending.

There is a lot of blame to go around. But when you look at what happened just a few weeks ago when the first budget came up for a vote here on this House floor, it didn't get any attention, but there was a balanced budget amendment that was proposed that day. Many of us proposed that amendment and voted for that amendment.

Mr. AKIN. All of us standing here voted for it.

Mr. SCALISE. What's ironic is over 100 Republicans just 3 weeks ago voted to balance this Federal budget, to balance it.

And this is during the cries of many on the other side who were criticizing all the spending that went on. And as they were criticizing the spending, they were raising spending by 10 times what had happened under Republican administrations, not one Democrat voted for that balanced budget amendment that was proposed on the House floor while many of them turned around and voted for the largest budget in the history of the country.

I say that because people don't want to hear about the partisan politics. But what many people are being told by this administration, incorrectly, is that there are no alternatives proposed by the other side, and that the Republicans are the Party of "No." They don't propose any alternatives, which is clearly disingenuous because we have proposed many alternatives. They have been the party, not only of "no" because they have opposed those alternatives, they have been the party of fiscal recklessness, fiscal irresponsibility, of spending large amounts of money that literally will double our national debt in just 5 years. That's what I think has gotten most Americans frustrated now is that they know what they are doing to take care of

their business. They are cutting back, and they are watching this Democrat leadership in Congress and this administration spending record amounts of money, running up the debt and the deficit at record levels, and money at record levels that we know nobody can sustain. So I think when people look, they say, this has only been 100 days. We have already, today, as we stand here, added 20 percent to the national debt, money we can't even get back.

The stimulus bill alone added almost \$1 trillion of new debt, and we are still seeing some of the wasteful, frivolous spending.

Mr. AKIN. There is this transparency promise, that what's going on in Washington D.C., the public should be able to see it. You see this kind of transparency promise. And then when you take a look at what happened, the President first broke the promise of transparency in January when he signed this legislation which was the Lilly Ledbetter Fair Pay Act. It was passed January 27. And he since continued the problem with the State insurance, the SCHIP bill. It wasn't 5 days.

And the reason I mention this is when we came to that supposedly stimulus bill, our staffs got that thing at 11:30 at night, and we're supposed to vote on a 1,000-plus page bill the next day. Now, I am not a speed reader, and my staff doesn't sit around at 11:30 just waiting for some announcement from the Democrat Party.

Now I don't understand the transparency in that situation. But I do understand a little bit, because I don't know what \$780 billion is. I started to put it in terms of aircraft carriers, because I understood that. I understood that it was more than the war in Iraq for 6 years and the war in Afghanistan added to it for 7 years. I understand it was more than 250 aircraft carriers. We only have 11 of them. The debt service on it was nine aircraft carriers, and it's all money that we don't have.

So we have got a series, again, going to this 100 days, there is a lot of new records that are being set, particularly in the debt area. But there are other kinds of things, I think, that get these people at the tea parties upset. One is, have you ever heard of the President firing the president of General Motors? I have never seen that before.

I yield to my friend from Texas, Congressman BRADY.

Mr. BRADY of Texas. There is so much truth in what you say. I was referring back to, again, one of our Facebook followers, Melody from my district in east Texas, that she wrote that if she were to grade our new President and Democrats in Congress, she said it would definitely be a flunking grade. It is like watching a train wreck happen.

It's interesting. President Obama is very sincere when he says, I was elected to change the direction America could go, and he is very up front about it. I give him credit for that.

But from my way of thinking, in the Eighth District of Texas, we believe he

is wrong on spending. He is wrong on nationalizing so much of our free market. He is wrong on Guantanamo. He is wrong on the CIA memos. He is wrong on this new national security threat of our veterans and our pro-life and our States' rights people.

I think just generally he is wrong in the belief that you can tax and spend and borrow our way back to prosperity. It won't work. I would say this. You always want to be helpful as a Member of Congress, so my advice to the President on this 100th day is, one, stand up to NANCY PELOSI and the Senate leaders in Congress. Be your own man and don't let them run the show as they have done for your first 100 days.

Extend a hand to Republicans who have got some great ideas on how to lower taxes, how to help small businesses create jobs, how we really get out of this economy and we are willing to work with you.

The final piece of advice is do less press conferences like tonight and more working meetings with Members of Congress who want to work across the aisle to solve these problems without going into a debt so staggering that we can never hope to get out. There are some great ideas up here, but so far for the first 100 days, it's been the congressional Democrats show.

Really, it's time for the President to follow through on his promise to change the way we work in Washington.

Mr. AKIN. I sure appreciate your making some positive comments. And I think it's important that when we are critical that we also offer a better idea.

I was taught that as a kid growing up. If you want to be critical of something, okay, but then say how would you do it better. I think that's an honest way for us all to proceed, and we certainly have a lot of ways to do that.

I would like to just take a few minutes and talk about what are some of the better ways to do things. You just mentioned Guantanamo. The numbers I have is that our best estimate is that 61 of those detainees are now fighting against us. After we let them go, they are back again in the battle fighting against our sons and daughters. My recommendation is when you get people that dangerous, don't let them go so easily.

Let's talk about some solutions. Let's just talk about how would we approach this situation. The economy has now been shrinking. We see this debt that is really skyrocketing, excessive spending on the part of all the Democrats.

Let's just say that working for the day, or we are President, we are responsible for turning this around, what are the steps we are going to take. I think it's fair to ask that question.

I will go to my friend from Texas, Judge CARTER.

Mr. CARTER. You've hit upon something that everybody needs to think about. First, you have to start with the premise that the government doesn't

make any money. The government takes the citizens' money. That's the way it works. They are not a creator of wealth. They are a taker of wealth and a distributor of wealth. But they are not a creator of wealth.

So all this stimulus we have looked at, its purpose is to give a shot in the arm to the economy, if you believe in the Keynesian theory of economics, a shot in the arm to the economy, and make it start creating wealth again. But, in reality, we have seen no real indication. Japan can tell you for 10 years they did that and failed miserably. Most people will point to the Great Depression and say it failed miserably.

So the real solution is real wealth for America. You do that by putting more money in the American people's pocket, making it easier for people to be entrepreneurs. For small businessmen, don't tax them. Give them a chance to grow their small business. They employ the vast majority of the American people.

What we have got to turn around is real wealth from real jobs from real businesses for real people. That's what we've got to have.

Mr. AKIN. Summarizing what you said, Judge, what you are saying is, first of all, the Federal Government does not create wealth, other than we print money, which just waters down.

We tax people, slop the money around. But we never create it. We just redistribute it.

So how do you actually take an economy and help everybody to do better? And what you have to do is you have to allow the private sector, the entrepreneurs, the investors, the inventors, the small business people, to get out there and do that, the American dream.

Let freedom work and let people go and use their ingenuity and ability to actually create wealth.

□ 1945

Wealth is not static. It grows if you fertilize it the right way. So what you are talking about is doing things that are going to help small business.

Just an interesting number that someone tossed to me, and that is you take a look at companies with 500 employees. That is what is called a small business, 500 employees. Half of Americans work in a business with 500 or less employees, and those companies create 78 or 79 percent of the new jobs in America.

So if you are worried about the people not having jobs and you really want to turn the economy around, what you want to do is you want to fire that engine of small business, you want to get those 80 percent of the new jobs, you want to start getting those things going. And what do you do to do that? You have to have liquidity for those companies to work.

I recognize another good friend of ours and an expert on small business, Congressman BRADY.

Mr. BRADY of Texas. Well, thank you, sir. Most people in my district know that I was raised in a small business. I was a Chamber of Commerce manager my whole life. So I ran a small business, made payroll, had to cut staff in the recession and work with other small businesses. So I know how hard it is for them these days.

But there are three ideas Republicans came forward with, I think better ideas. In the stimulus, in that stimulus bill, billions and billions of dollars, there was more money to buy public art in America than to help small businesses survive.

Mr. AKIN. Well, reclaiming my time, you are saying that porkulus bill that we passed, it had more money to buy artwork than it did to help small business that creates 80 percent of the new jobs in our economy?

I yield.

Mr. BRADY of Texas. The line item for the National Endowment for the Arts was \$50 million. The line item to help small businesses to buy new computers and equipment was smaller, \$41 million.

What we said as Republicans was, we said, look, let's create a 20 percent income tax reduction across-the-board for small businesses so they can keep more of their money, keep good workers on the payroll, maybe buy that new computer or piece of equipment, or just survive through this recession. We thought that was a better idea.

On housing, the government has come up with this new \$2 billion pool of money to buy foreclosed homes in your neighborhood and mine. The Republicans said wait a minute. Given a choice between having the government buy a home in our neighborhood or our neighbors buy that home, maintain it, keep it up and sell it once the market recovers, we created incentives that said, look, if you look around your neighborhood and community and you buy one of these distressed homes, foreclosed or someone who is in trouble, it is abandoned, we will treat it just like your own home. If you keep it up and maintain it, when you sell it, you can keep the profit.

Now, who is going to keep better care of a home in your neighborhood? Uncle Sam, or one of your neighbors?

Mr. AKIN. That is a no-brainer, gentleman. Keep going.

Mr. BRADY of Texas. Absolutely. Then on health care, they are looking at this big government-run health care system. Many Republicans, including me, are proposing this backpack, where for the first time workers get an option where they can choose a health care plan that is right for them, just like Members of Congress do. They can put it in a backpack and take it with them throughout their life, from business to business or to home to raise the kids, or if you are going to start your own small business. Basically you get the same tax breaks businesses get. But you have one that you choose. It is your doctor, your relationship, the hospitals you choose to go to.

Mr. AKIN. That sounds like freedom working, doesn't it?

Mr. BRADY of Texas. It is. Instead of government one-size-fits-all, why don't we give more freedom and more incentives for people to have a health care plan that fits their needs?

We have great ideas. My colleagues here tonight I guarantee you could spend a lot of time with these new ideas. But we need a President who will be open. We need a Democrat Congress who will quit rushing bills through this Chamber and give a chance for those good ideas to come forward.

Mr. AKIN. Just reclaiming my time, if I were to list off some things for small business, and you have run a Chamber and run your own small business, it seems like to me there are some things we are doing that I just wouldn't do.

The first thing is the death tax. That is a bad idea. We are having that death tax come back so some poor guy loses his business, I mean he dies, and his son is going to run the business, but now he has to sell half the business to pay the tax on it. What is the logic of that? That destroys jobs and destroys small businesses. So first the death tax.

The next thing it seems to me like dividends and capital gains, boy, did we see the economy jump when we limited that and allowed people to keep more liquidity in the economy. So that is another thing we could do.

Another thing, it seems to me, is when you say you are going to tax people making \$250,000, a whole lot of money, those are the guys that own the small business. Do you want them to create jobs, or do you want to suck all the money away from them like some sort of leech until they are so dry and withered up they can't hire anybody anymore?

I think there are some things that we just didn't do. Just leave them alone and let them do what they do so well, which is follow the American dream.

I yield to my friend from Louisiana.

Mr. SCALISE. I thank again my friend from Missouri. You know, there are very critical areas of our economic problems that we have proposed alternative solutions to, three in particular I think that are critical to what is happening today that we presented to President Obama. Unfortunately, he hasn't taken them in the first 100 days. Hopefully he will take them in the next 100 days.

But if we talk about the overall economy, number one, the banking system, which is still holding back our economy; number two, energy policies, where we still don't have a comprehensive national energy policy; number three . . .

Mr. AKIN. Reclaiming my time, are you saying that hugging Chavez is not really a national energy policy? Is that what you are trying to say?

I yield. I couldn't resist that.

Mr. SCALISE. Well, if you start with the overall economy, one of the biggest

things we can do, rather than just massively growing the size of government and adding trillions of dollars to our national debt, we can empower our middle-class families and our small businesses. We presented a bill to do just that, a bill that would actually cut taxes for middle-class families and for small businesses, who create the bulk of our jobs.

What some people on the other side have said is, it is the tax cuts that have gotten us into this problem. What they fail to recognize is history. Every time we cut taxes, you can go back to when John F. Kennedy cut taxes or when Ronald Reagan or George Bush cut taxes, revenues to the Federal Government actually increased. What was always wrong was that the Congress spent more money than came in from those tax cuts.

So tax cuts clearly have worked. It is the fiscal discipline in Congress that has always failed us. So maintain fiscal discipline, cut the taxes to get the economy back on track, go into the banking system—we had proposed alternatives that would actually get the banks working again.

Mr. AKIN. You are talking so fast and what you are saying is so good, you are really referring to three different times in history, where instead of doing what FDR did and Henry Morgenthau tried to do, and came before Congress and said it failed, it doesn't work, this stimulus idea, this Keynesian idea, what has worked was what JFK did, what Ronald Reagan did, and what George Bush did, three separate times at 20-year different intervals, and that was they actually cut the taxes, and this seems like water going uphill, and the revenues of the Federal Government went up.

That is kind of an interesting phenomena, but it has happened time after time. And the reason behind that, I will go ahead and yield and let the gentleman explain that.

Mr. SCALISE. The problem is fiscal discipline hasn't been maintained by Congress. For all of the new revenue that came into the Federal Government, Congress always went on to spend even more money. So that is one area you can address.

On the banking system, we still have major problems in our banking system, a lot of it created by irresponsible lending by groups like Fannie Mae and Freddie Mac, who gave loans to people with no ability to pay, and they were encouraged by government. We need to end that.

On a comprehensive national energy policy, we can actually use our own natural resources, continue drilling for oil, natural gas, cleaning coal up and using nuclear power and take that extra revenue with those millions of jobs we would create and fund the alternative sources of energy, like wind and solar, to get us to that next level of jobs, rather than a cap-and-trade energy tax that would run millions of jobs out of our economy and also raise taxes on American families.

So we have presented these alternatives. In the first 100 days, unfortunately, President Obama has not worked with us to embrace any of these ideas, but hopefully that will change as more people become concerned about this record level of record spending.

Mr. AKIN. Congressman SCALISE, I really appreciate your positives and giving very specific kinds of things that can be done to turn the economy around, to reduce this level of spending.

We are just about out of time. I appreciate your expertise and joining us tonight. I am going to just recognize my friend Judge CARTER for a minute, and then we are going to have to wrap things up and I will come back to you.

Mr. CARTER. I just want to point out there are a few things we haven't talked about, like apologizing to the terrorists; labeling enemy combatants, they are now foreign detainees; labeling the war on terror as international contingencies; labeling the terror attacks as man-caused disasters; hugging up to the Castro brothers, who tried to make their island a launching platform for intercontinental ballistic missiles within my life; and hugging up to Hugo Chavez, the man who hates this country more than anybody, and taking his book, which is all about venom against this country.

These are just a few of many, many other things we haven't talked about tonight.

Mr. AKIN. It was basically labeled a Communist rant and an idiot's Bible, I think, by various people that reviewed that book.

Going last to my good friend, a very senior and distinguished Congressman from Texas, KEVIN BRADY.

Mr. BRADY of Texas. Well, I think the way you started this, and the issue is freedom, Thomas Jefferson said a government big enough to supply all your needs is big enough to take everything you have. It is important we keep that in mind as this country grows deeper, deeper, deeper into debt.

Mr. AKIN. I appreciate all of you joining us in this nice family discussion and hope that it has been of interest to our colleagues. I just ask us please to do a little better in the next 100 days.

#### FISCAL ISSUES AFFECTING THE COUNTRY

The SPEAKER pro tempore (Ms. MARKEY of Colorado). Under the Speaker's announced policy of January 6, 2009, the gentleman from Massachusetts (Mr. CAPUANO) is recognized for 60 minutes as the designee of the majority leader.

Mr. CAPUANO. Madam Speaker, I am here tonight to talk about some of the fiscal issues that have affected this country and how they were caused and maybe a little bit of who caused them and who didn't cause them.

Over the last several months, obviously there has been a lot of debate

about this and there have been a lot of people who want to point a lot of fingers at other people. And that is natural. We all tend to do some of that in our lives, and it is particularly natural here in Washington. People love to point fingers at somebody else when there are bad things going on, and people love to point fingers at themselves when there is something good that goes on.

In this particular case, with the financial crisis that we have, instead of stepping up and understanding that, I believe every single American, including me, has some degree of blame in the current fiscal situation. Everybody tried to get a piece of the American dream. Everybody tried to punch up whatever retirement plans they had. Everybody tried to get better rates on their loans. Everybody tried to get better rates on their credit cards. Everybody tried to get more mortgages than they could afford. Everybody tried to do it. And, of course, some people in business were there to try to provide those things.

So I think it is a little ludicrous to try to blame anyone in particular, or actually any group of people. I think it is all of us that have some degree of blame.

As I heard some of my colleagues just a few minutes ago try to blame Fannie and Freddie or try to blame individual Members of the House or individual Members of the Senate, I think that is ridiculous, and I actually have more faith in the average American than to think they would think any individual or any one group could do it.

In this particular case, let's go back just a little bit. What were Fannie and Freddie created for? They were created to help the middle class be able to purchase a home. That is why they were created. Because before their creation, home ownership was limited to only about 20 to 30 percent of Americans. About 60 to 70 percent of Americans were never able to afford a home because banks simply wouldn't make loans unless they were absolutely guaranteed of always getting their money back. They wouldn't take any risk whatsoever.

So Fannie and Freddie were created in order to stabilize home ownership that was on the border. They were also created, most importantly, to expand the availability of mortgages to working people. And it happened slowly, over time. This country went from a place where only 30 percent of Americans own homes, to now in today's world approximately 70 percent of Americans own their own homes. That is in contrast to most of Western Europe, where it is about 90 percent of people own their own homes.

I personally think, having been raised in a middle-class, lower-middle-class family, that home ownership is still the best way to guarantee entry and maintenance of a middle-class lifestyle, because it is the largest purchase any of us will ever make, most of us

will ever make. It is the most important purchase.

In the normal course of events, over time, you build up equity in a home. And most of us have to remortgage it to send our kids to college. That is how most of us afforded to be able to send our kids to college.

All that being said, Fannie and Freddie and their concept of a government-sponsored enterprise have created over time an immense number of homeowners, an immense number of people who would not otherwise have had an opportunity to get a mortgage.

□ 2000

I have no doubt. I totally agree that over the last 10 or so years, like everybody else, they decided to stretch some of the definitions to do some things that maybe were questionable, not necessarily for any nefarious reasons, but for the same reason banks were doing it, for the same reason hedge funds were created, for the same reason private equity firms were created, to get a little bit better return.

Now, there were many of us at the time, now I'm talking back in 2005 and earlier, who said, you know, maybe they've gone too far; maybe they've expanded it just a little bit too much; maybe they have to be reined back in.

And back at that time, our friends, the Republicans on the other side of the aisle, were in charge of the House, they were in charge of the Senate, and they were in charge of the White House. And we worked with them. We worked with Chairman Mike Oxley of the Financial Services Committee to try to come up with a bill that would address some of these very issues, and we did. We got a bill out of committee and on to the floor of this House in a bipartisan fashion that would have reined in some of the concerns that these people that have just talked have about Fannie and Freddie, and not just Fannie and Freddie. I don't want to pretend in any way that they were the only ones doing this, but they were also the ones that we were responsible for. It would have reined them in. And it was done in a responsible way, in a bipartisan way, with Chairman Oxley and at that time Ranking Member BARNEY FRANK and the White House, the Bush White House, not the Obama White House, not the Clinton White House, but with the Bush White House.

When the bill got out here some of the more extreme Members wanted to shut down the whole thing, having no clue how most of their own constituents were able to afford a home, and they raised all their concerns, all the same ones you've heard tonight, that government should have nothing to do with mortgage rates. Well, that's ridiculous. That is ridiculous. And they just decided to kill it. This is back in 2003, 2004 and 2005.

And if you don't believe me, we have quotes here from Chairman Oxley himself, who was quoted as saying—now, this is after the fact. This is dated Sep-

tember 2008, talking about those times. And Chairman Oxley himself, this is a quote from the Financial Times, not necessarily the bastion of liberal thinking. He fumes about the criticism of his House colleagues. This is a quote: "All the hand-wringing and bed wetting is going on without remembering how the House stepped up on this," he says.

What did we get from the White House? We got a one-finger salute. When we tried to rein in Fannie and Freddie, the right-wing members of the Republican Party decided to say "no." They decided to let it ride.

Now, I understand what they were doing for political purposes. I don't understand, still don't to this day understand what they were trying to do for financial purposes or government purposes. But ideologues around this place never understand that sometimes doing what's right for people is better than winning an ideological argument.

In this case, if we had simply done that one thing, according to, again, this is the Republican chairman of the Financial Services Committee at the time, when the House was run by Republicans, the Senate was run by them and they had the White House. This is a direct quote. "We missed a golden opportunity that would have avoided a lot of the problems we're facing now." That's his quote, not mine. I happen to agree with him, obviously.

We didn't take the opportunity. And what happened? A few years after that things got a little worse. Democrats finally took the House back.

What was one of the very first things we did? We passed a bill to reform Fannie and Freddie. We passed a bill to reduce and restrict subprime loans as quickly as we could. You can't put the genie back in the bottle. This was 2007, after most of the problems had been caused.

Now, that doesn't mean, I won't pretend that myself and others don't have some degree of blame. I am happy to accept my degree.

What did I do? What did people who agreed with me do?

I was happy to push to allow more people to qualify for mortgages. I thought at that time, and I still believe, that that is a good goal. I will admit, knowing what we know now, maybe we pushed a little too hard for some people. I agree with that. I understand that. That doesn't mean when times get better, people like me won't push again, because I still believe that the best way into the middle class and the best way to stay in the middle class is home ownership. And I don't know anyone who disagrees with that, except people that are already in the higher income brackets, who they have theirs, and they're more than happy to pull up the ladder for the next people trying to make it to the middle class.

People want to rewrite history. I understand that. It's not new. It's an old political game. But facts are facts. When the government agencies had

overstepped some of their boundaries, we were there to try to help them, help get them back within those boundaries. We worked with Republicans. We got a good bipartisan bill out of committee, and then that bill fell into the hands of the Newt Gingrichs and others of the world who just let their ideology control everything they do and everything they say.

And we didn't have the votes. As soon as we got the votes, we addressed the issues, and we are still addressing them now. Yes, we're trying to fix the mess that we inherited and we will continue to try to do so. But we're also trying to make sure, while we're doing that, that these things can't happen again. And we have done that already, to some degree. We have a few more things that we have to do.

As a matter of fact, today we spent a fair amount of time in Financial Services passing a bill that hopefully will be on the floor next week, or the week after, that will continue that process, to make sure that future mortgages, Number 1, are given to people who deserve it, Number 2, can be paid back, and yet, that balance to allow people to continue to access mortgages, to continue to build themselves up in the middle class, and to continue to be able to stay there.

With that, Mr. Speaker, I'd like to yield as much time as she might desire to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Thank you, Mr. Speaker, and thank to you my colleague, Congressman CAPUANO for leading this Special Order tonight.

I wanted to just kind of go back and share with those who are listening tonight that when I came to Congress, I was elected in 2004, I came in 2005. I asked to serve on the Financial Services Committee. I had no idea at that time that it would be the busiest committee in 2009 as we've worked to address the economic downturn, the likes of which we certainly haven't seen in my lifetime.

But to reflect back on that history, what I was so pleased to discover, because we talk a lot about partisanship in the media and there's a feeling that there's never any working together in Washington, is I came to the committee in 2005 under the chairmanship of Republican Mike Oxley and Ranking Member BARNEY FRANK, and they demonstrated what work together really means. It was a committee that put partisanship aside. Both leaders of both parties recognized hard work and good ideas; it didn't matter which side of the aisle it came from. They worked hard to find common ground. And I was very happy to be there and learned a lot from Chairman Oxley and respect him, as I've also come to see that Chairman FRANK, as he took the gavel in 2007, has continued in that tradition. It's exciting to see what's possible in committees when ideas prevail over ideology.

As I mentioned, it's been a busy committee, and we haven't slowed down.

And we have a chairman that's very deliberative and consensus-driven. Unfortunately, when Chairman FRANK took the gavel in 2007, he was faced with some serious challenges. The subprime mortgage crisis, the issue of bringing proper oversight to Fannie Mae and Freddie Mac, and he really stepped up to those challenges. In fact, prior to that, we'd already been working. In fact, prior to the recent problems with the mortgage crisis, in 2007, we immediately passed legislation to address the subprime crisis and, in fact, Chairman FRANK made sure that we passed robust oversight for Fannie Mae and Freddie Mac. That did pass and become law.

Unfortunately, the mortgage reform went to the Senate, where it did not move and get to the President for signature and did not become law. And we are now, just this week in committee, and, in fact, today, we were marking up another mortgage reform bill that we'll be bringing forward, and we're more hopeful that the Senate and the President will act on that and it will become law so that we can eliminate the lending practices of the past that introduce too much risk to the system and set up people to fail. It's not home ownership if you're only there for a little while and ultimately can't make your payments.

We have to move beyond the lack of due diligence and proper underwriting standards that allowed no doc, low doc loans, drive-by appraisals, triple A rated securities that really weren't triple A that contributed to an economic downturn of not just systemic proportions domestically, but international ramifications. And we're continuing to work hard on those issues.

We've worked to address foreclosure avoidance. We've worked to address the credit crisis. And all of this has been led by a chairman who continues to respect good ideas, regardless of which party they come from.

I find it interesting that many have chosen to demonize particular individuals in the Congress, or suggest that one Member, particularly when he served in the minority, somehow could bring the downfall of Fannie or Freddie or our system in general, when, in fact, well, for over a decade, many on both sides of the aisle talked about the need for proper oversight to these large institutions, Fannie and Freddie. And yet, it wasn't until Chairman FRANK had the gavel that we actually moved from rhetoric to resolution and passed that resolution in the House so we could bring that oversight. Unfortunately, by the time it did pass, it was too late to preclude government takeover of these institutions.

Let me move on to a couple of other areas that we've been working on in committee and, again, where there's been effort to work together. Let's talk about the TARP funding. One of the things that I was impressed with was that when past President Bush came and Secretary Paulson at the time

came to Congress requesting funds to support greater stabilization of our financial institutions, Chairman FRANK didn't hesitate to bring some sincere bipartisan effort to the equation. He didn't accept the request as it was, which was, essentially, a blank check. He demanded greater accountability and more specific definition of the purpose of those funds, and has continued to fight to improve that ever since.

But what he also didn't do is he didn't lay blame. He didn't step back and say, that's another party's problem. He brought constructive solutions forward. And that's what we all need to do in this body if we're to address the challenges we continue to face.

We've had countless hearings, not only in the past Congress, but in this Congress, to address issues about agency abilities and lack of abilities; if you look, for instance, at the Madoff scandal and the SEC's inability to have addressed that long before they finally did and when it was too late.

We've had hearings about the AIG fallout and does that bring about the need for a greater Federal role in insurance regulation.

We've had hearings about systemic risk and how we can bring a greater authority to have an umbrella oversight beyond the functional regulator so we can determine where there might be risks in the system that, in a future downturn, could do what happened recently, affecting all of our businesses, our families' savings for retirement and for college, reducing the values of our homes. And we need to avoid that type of systemic fallout when we have future downturns, which we're always likely to have in normal cycles.

We've talked about providing resolution authority so that, as the FDIC has been able to wind down failing banks in a way that has not been disruptive to businesses and families who are depositors of those banks, but to reorganize those institutions in a way that doesn't bring further panic to the system, we don't have, and our Federal Government doesn't have, clear authority relative to someone like an AIG or other institutions that don't fall under FDIC's ability to do that.

So as we continue through these hearings and continue our hard work, I think it's important that we focus on solutions and not playing the blame game. This is my fifth year in Congress, and I've never come to this floor to attack an individual or a party, and I don't ever intend to do that. But I thought it was important to come, at least call it as I see it and lay the record more clearly where there have been those who have cast blame clearly in the wrong direction.

□ 2015

Many economists are telling us this is the worst crisis we have seen since the Great Depression. We have been forced to make hard choices, and we are going to continue to make hard choices. And we are going to make

some mistakes along the way, but our intent needs to be, on a bipartisan basis, that we roll up our sleeves, we work together, and we find the best solutions possible. I am glad that on the Financial Services Committee we have a chairman and a ranking member who both step up to bring that kind of leadership in the continued tradition that was here when I came in 2005 under Chairman Oxley and then Ranking Member FRANK. I am glad to be on that committee and will continue to do my part.

I will mention one other thing. I happen to vice chair a coalition that's called the New Dem Coalition, which is a pro-growth caucus. And we have been very focused on pro-growth, pro-innovation solutions to some of the challenges that we are facing. I also happen to chair the task force for the NDC on Financial Services regulatory reform. And I have also appreciated the chairman's deliberative approach and feedback to some of the suggestions we have made to him for committee consideration relative to regulatory reform.

We are focusing on regulatory performance. Clearly, the SEC's inability to determine that there was a problem that ultimately resulted in the Madoff Ponzi scheme suggests that we don't need more regulation, but better regulation, and a greater degree of best practices in the agencies who should be accountable for it.

We are also working on addressing issues of market stability and transparency, making sure that we bring to the table some counters, or countercyclical mechanisms to offset the procyclical nature of our system as it occurs currently, which has contributed to repeat cycles of booms and busts and booms and busts. And we need to be more prescriptive in working with our regulators to ensure that they consider and have the flexibility to weigh in on things relative to capital requirements. So as we see a bubble in formation, maybe increasing some of those requirements so as to encourage some deleveraging where clearly we were overleveraged. Conversely, when we are in a precipitous downfall, as we have all experienced recently, that is probably the time that the regulator should have the ability to consider easing up on those capital requirements so it doesn't require forced selloff of other equities as it did when we had the mortgage crisis, which created a more systemic-wide problem.

We have to improve consumer and investor protections. And so we look at things like the credit default swap market, which has been roughly a \$62 trillion unregulated market that left many counterparties out there and ultimately required Federal intervention to assist AIG in their downturn.

Those are the kinds of things that we are working on. And we don't have all the answers, but we are working together on a bipartisan basis to find those solutions—and had a late night

dinner this week. Those are the kinds of things that we are going to have to continue to do to bring real solutions to the table and help create an environment so that our businesses and our families are on a solid foundation that supports sustained growth as we turn our economy around.

Thank you. And I yield back.

Mr. CAPUANO. Mr. Speaker, I just want to take two seconds and show this chart.

As you can see, this chart shows the number of subprime loans over a period from 1996 to 2005. Pretty obvious what happened. Within the first couple of years, subprime loans were reasonable, and a number of them given out. This entire time the House was controlled by the Republican Party, the entire time of this chart.

As you can see from this hashed section, that is when the White House was taken by the Republican Party. And you can see what happened to subprime loans, they skyrocketed. They skyrocketed. And they didn't stop until 2008—actually, they didn't stop. They started slowing down in 2008 and they stopped in 2009.

What happened in 2007 was the Democrats took over the House and they passed legislation to deal with this. That same legislation—or similar, I shouldn't say the same, but similar legislation was passed through the Financial Services Committee in the year 2005 that would have done the same things earlier. Now, it wouldn't have stopped the problems, but it would have lessened the problems. And this chart speaks for itself.

It is amazing to me that people can blame others when the ones on the receiving end of that did not control this House, did not control the Senate, did not control the administration, did not control any of the appointments to any of the regulatory agencies, yet somehow they can be blamed for a lack of action. That is unbelievable rewriting of history. And I just think the people who know the facts will draw their own conclusions.

With that, I would like to yield to the gentleman from Colorado for as much time as he would like.

Mr. PERLMUTTER. Thank you, Mr. CAPUANO. And I appreciate the comments that you have made.

I have a chart that shows exactly how much was done under the Republican Congress and the Republican administration in terms of reforming and revamping the GSEs, or, in other words, the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, and what was done to deal with subprime lending during the Bush administration, and at the same time when Congress was in the hands of the Republican Party.

My friends earlier today from the other side of the aisle were blaming everything on Democrats when they were in charge. Now, it is nice to try to lay blame when there is a realistic argument for laying that blame, but they

can't do that. It simply is a fact that nothing was done to try to deal with what was becoming a tremendous housing bubble; that there were excesses in the way that lending was taking place, that restraints didn't exist, that regulation was being eliminated or ignored. And as a consequence, we had a tremendous burst of a bubble.

And it is under the Democratic Congress, under the chairmanship of BARNEY FRANK, that there has been a real effort to try to rein this in. So instead of having zero, this Congress, one of the very first things it did under the Democrats and under Chairman FRANK's leadership was to begin reforming Fannie Mae and Freddie Mac. It was one of the very first bills that the Congress in 2007, when I was elected, when Congressman ELLISON was elected, it was one of the very first things that we did, knowing full well that there were excesses with Fannie Mae, Freddie Mac, and the subprime lending. We still didn't have much success with the Bush administration. Certainly, the Obama administration is going to deal with this directly.

We are in the process of working on subprime loans and predatory lending. We did finally get some Fannie Mae and Freddie Mac legislation passed at the end of last year. And now we can start regulating these kinds of vehicles, this kind of lending in a serious fashion, not one that is going to bring the market to a halt, but one that respects the fact that you can get out of control, and that is precisely what happened.

I know my friend from Massachusetts read the quote from Mr. Oxley, who was the Republican chairman who tried to do something but was stalled by the Bush administration. But I think it again bears reading. He says, this was last summer, when we actually passed the Fannie Mae and Freddie Mac legislation and all of a sudden there were a lot of Republicans saying the Democrats should have done something about Fannie Mae and Freddie Mac earlier before there were any kinds of financial problems. And he said something, he fumes about the criticism of his House colleagues—this is Republican former Chairman Mike Oxley, "All the handwringing and bedwetting is going on without remembering how the House stepped up on this. What did we get from the White House? We got a one-finger salute."

So when there was an attempt, even under the Republican Congress, to try to reform things, the White House refused to do that. So that kind of gives you this big zero, what actually happened.

The subprime chart that Congressman CAPUANO showed a second ago was another sign of the excesses that were taking place under the Republican Congress and the Bush administration. And then you see what we get from all of that.

My friends on the other side of the aisle were complaining about the deficit and the debt that is being incurred

right now, but it is that debt that was created under the Bush administration. The Obama administration has inherited a \$1.3 trillion deficit; that's where they start. That is where this administration starts. And it starts with a banking crisis, a \$1.3 trillion deficit, loss of jobs, and a housing crisis.

What we are doing is to provide some funding so that people can buy homes at an interest rate that is reasonable. We are trying to stop the foreclosures that are occurring. So we are trying to stabilize the housing market and we are trying to stabilize the financial market.

Now, much of what we did to try and stop the crisis or the fall of the financial markets was done last fall, really under a bipartisan effort of the Democratic Congress and the Bush administration, but it was in free fall. So the Obama administration is trying to get the financial markets on the right path again. It appears that that is going on.

And then we really, this Congress and that administration, also under the leadership of BARNEY FRANK, we came up with a stimulus bill, which is going to spur more jobs, creation of jobs, as well as a new energy economy, revamping education, and dealing with health care costs.

Now I would like to give my friend from Minnesota an opportunity to speak about this, and we will then have a conversation.

Mr. ELLISON. If the gentleman would yield, I want to ask the gentleman a question. Did the stimulus package also include the Neighborhood Stabilization Act, which is money, passed through the Democratic Congress, that would allow the neighborhoods to get money to help buy up some of these foreclosed properties? Did that happen?

Mr. PERLMUTTER. It has. The underlying principle of the American Recovery and Reinvestment Act, the stimulus bill, is jobs, jobs and stabilizing the housing market, financial market. But what it does with the Neighborhood Stabilization Act is it starts to absorb foreclosed properties, takes those foreclosed properties, upgrades them, rehabilitates the properties, and makes them energy-efficient homes. So not only does it stabilize the housing market, it creates jobs by upgrading these homes to energy-efficient standards, and then helps us move to a new energy economy, which is one of the key points in the stimulus bill. So it really has so many facets to it, the stimulus bill does, to get us back on track after falling off a cliff, as you can see what happened under the Bush administration.

I would yield back to my friend from Minnesota for any further comments; or I know my friend from Massachusetts is to be guiding all of us tonight, so wherever you would like to go.

Mr. ELLISON. Well, you know what, I appreciate that, but I am going to toss it back to the gentleman from Massachusetts, who I think is going to

toss it to the gentlelady from Wisconsin. I am happy to wait my turn in the line since I was one of the last ones here tonight.

But I do appreciate the gentleman from Colorado's comments; I think they were dead on the mark. And I am very happy to be here tonight sticking up for the Democratic record and the leadership of BARNEY FRANK on Financial Services reform.

Mr. CAPUANO. There are just a few things I want to say before I pass it off to the gentlelady from Wisconsin.

There are a couple of things that people have to understand; yes, Fannie and Freddie have some blame in it, like we all do, but they didn't do anything that everybody else wasn't doing as well. They didn't create credit default swaps. They didn't create excessive leverage. Yes, they did invest in them heavily. Why did they invest in them heavily? They did it because the rate of return was so high they couldn't walk away, because that higher rate of return allowed them to then put more money up for mortgages. They didn't do anything that everybody else wasn't doing.

So yes, we are talking about them tonight because they are government-sponsored entities, but a lot of this was created by people other than them, the private market.

There is one other thing I do want to say. The other thing I have heard an awful lot of is that somehow the CRA, Community Reinvestment Act, is somehow to blame for all of this.

□ 2030

The CRA was a law that was passed because banks were happy to take money out of poor and lower income neighborhoods without putting any of it back in. People were allowed to deposit their money, but they weren't allowed to get mortgages. Simple law says, if you take the money out of these communities, you have to put some of that money back in.

Nothing in the CRA says a single loan should be given that is inappropriate. Nothing in the CRA says a single loan should be done in an unsafe or in an unprofitable manner. That's not what it says. As a matter of fact, it says things just quite the opposite. It simply says, if you want to do business in a certain community, you have to then do business in that community. It's quite simple.

One little fact: In 2006, 84 percent of the high-cost loans were originated by non-CRA covered banks. I'll say it again to make the point. Eighty-four percent of the loans given that were high-cost loans—all of these loans that mostly get a lot of people in trouble—were not given by banks covered by the CRA. How could they possibly then or how could that law possibly have caused this trouble if they were only giving out 16 percent of the troubled loans? No one else is to blame, just the ones that they don't like.

Mr. PERLMUTTER. Would the gentleman yield for just one second?

Mr. CAPUANO. Absolutely.

Mr. PERLMUTTER. I just have to go back to the quotes from Mr. Oxley, the Republican chairman at the time, trying to deal with excesses within the mortgage market. This is from the Financial Times, dated September 9, 2008.

He says, "We missed a golden opportunity that would have avoided a lot of the problems we're facing now if we hadn't had such a firm ideological position at the White House and the Treasury and the Fed."

With that, I'd yield back to my friend from Massachusetts.

Mr. CAPUANO. I'd like to yield to the gentlewoman from Wisconsin for as long as she might take.

Ms. MOORE of Wisconsin. Well, thank you so much, the gentleman from Massachusetts, the gentleman from Colorado and the gentleman from Minnesota. I'm very happy to participate in this Special Order tonight.

I think that, while we're talking tonight, it's really important to raise some really uncomfortable issues. I have heard many people on the other side of the aisle talking about CRA—the Community Reinvestment Act—and about Freddie and Fannie as causal of our current meltdown of the financial market. Let's get real about this. CRA and Freddie and Fannie are all proxies for a discussion of race, so I want to talk about race and about the whole history of the Community Reinvestment Act.

You know, I was out there, demanding as a community organizer that banks reinvest in communities in which they took deposits. I was one of the people demanding that they do it. Through extensive research, I was inspired, quite frankly, by a professor—now a professor at Georgetown University—who was a professor at the University of Wisconsin, Greg Squires, who found that minorities and particularly African Americans were being discriminated against in terms of getting prime loans.

What Professor Squires found is that, even when you controlled for income and when you controlled for other indices of creditworthiness, African Americans were less likely to get a prime loan and that redlining was the rule of the day and that, if you lived in a minority community, especially in the black community, no matter what your income, no matter what your credit score, no matter what your creditworthiness, being black—being an African American—would either not get you a loan at all or it would get you a subprime loan.

So the Community Reinvestment Act encouraged federally insured banks and thrifts to meet the credit needs of the entire communities that they served, including low- and moderate-income areas, that were consistent with safe and sound banking practices. The law was enacted in response to those of us who were out there who were concerned about disinvestment, and we produced evidence that lenders were

systematically denying credit to certain communities, particularly to minority and low-income communities. They were actually practicing redlining.

As you indicated, the gentleman from Massachusetts, you were incorrect to say it was 84 percent of the high-cost loans that were made. It was 84.3 percent of these high-cost loans that were made in the 15 largest metropolitan areas. So what happened?

We went from CRA, which was a very good law, and Freddie and Fannie—these government-sponsored enterprises. We found that, in 2004, our former President, George W. Bush, demanded that Freddie and Fannie take on more of these mortgage-backed securities that were being produced by these subprime lenders, the 84.3 percent who were non-CRA lenders, and required them to buy more of these mortgage-backed securities. Now, mind you, Freddie and Fannie didn't write one single subprime loan, but they also became prey to the predators.

Now, why was there such a change of heart with respect to providing loans to minority communities? Because they found that there was a whole lot of money that could be made from these products, that there was a lot of money—a lot of moola—that could be made from these subprime loans. Low-income communities—minority communities—were targeted for these subprime loans.

So they went from not lending them money at all to providing loans to then forcing Freddie and Fannie, without getting regulation or with no one watching, to buy these mortgage-backed securities.

So I just want to get it straight here that, indeed, there were many, many, many loans made to African Americans and to Hispanics—people who were creditworthy, people who deserved prime loans. They didn't deserve these ARMs. Research and data are conclusive that African Americans, in particular, were given subprime loans even though they were worthy of prime loans. So I just don't want to hear it anymore.

When you hear CRA, the gentleman from Colorado; when you hear Fannie, the gentleman from Minnesota; and when you hear Freddie, that's a proxy for "we loaned to all of those black people, and that's why we're having this worldwide crisis." No. The reason we're having this worldwide crisis is because of greed, because of fraud, because of lax regulators, because of fraudulent appraisers, because of the 84.3 non-CRA—non-Community Reinvestment Act—financial institutions in the marketplace, and because of race.

Race was the single factor in determining over the course of the past 30 years, first of all, who would not get a loan, who would be redlined against, and now currently who would, in fact, get a subprime loan.

I would yield to the gentleman from Massachusetts in response to this. I

know that race is extremely uncomfortable for people to talk about, but I think it's important to keep it real.

Mr. CAPUANO. It certainly is uncomfortable for a lot of us, and it certainly is real. I totally agree with everything the gentleman just said.

By the way, if it were a race item, in reality, wouldn't everyone losing their homes today be black? The answer is that it's not. It's across all lines. Blacks are losing their houses. Whites are losing their houses. Hispanics are losing their houses. Why? We've all been victimized. I want to be clear. I want to repeat again:

Fannie and Freddie didn't do anything that everybody else wasn't doing. I'm not saying they're not without blame. They are as I am and as, I think, everyone is. We all have some degree of blame. Okay. At the same time, what about those who were in charge at the time? I'll go back to the chart of subprime loans.

During that entire time that subprime loans were charging upward, this House was controlled by Republicans. The Senate was controlled by Republicans almost that entire time. Particularly when they went through the roof, that's when they took over the White House. Why? Why did it happen overnight? Nobody sat down and said, "Let's do subprime loans."

What happened is we got an administration at the White House that said, "We don't need regulation. Let the market do whatever it wants. Let human greed go unregulated." Now, there's nothing wrong with human greed. We're all greedy. It's what drives a lot of us—we all want more—but unfettered greed, unregulated greed, unlimited greed always leads to disaster. It always does. We had an administration that believed the market could regulate itself, period. Now, the market can regulate itself to some degree, but when you say to the SEC, "Do nothing. Look the other way on credit default swaps. Sit on your hands when anybody comes up with new instrumentations and when banks have special investment vehicles that are off the books," this is the result.

Congress has some blame. No question about it. Personally, I should have screamed louder. Now we have the votes. Those people with the votes should have done something.

I want to point to the chart behind the gentleman from Colorado again. During the time period when Republicans had control, they did nothing. Nothing. Since we took over—and I'll go through the litany later because I'd like to yield to the gentleman from Minnesota—we have taken action. With action sometimes—there's no question about it—the horse is out of the barn to some degree. You can only do so much when that has happened, but we have done what we could do when we could do it. We will continue doing it this week and again next week.

With that, I'd like to yield to the gentleman from Minnesota.

Mr. ELLISON. Well, actually, I'd like to address the question that was raised by Congresswoman GWEN MOORE from Wisconsin. I'd like to pose a question to her, and this question is going to take a little buildup, so bear with me.

Ms. MOORE of Wisconsin. Okay.

Mr. ELLISON. Now, if you were responsible for deregulating the markets and if you were responsible for unleashing the wildest impulses in human nature—greed among them—and if you presided over a catastrophic increase in the budget deficit as you cut taxes for the wealthiest Americans and if you let loose a war in Iraq that should never have been fought, after it all came crashing down, wouldn't you be looking for somebody to blame? Well, you might just blame the people who are the most vulnerable in our economy, and that is what is at the very root of the CRA mess.

You can't possibly expect people to accept responsibility. Look, when you look at these crossed lines here, this is when the party opposite ran the whole shooting match. This is when they had the White House and this House and the other body—the Senate. They ran the whole shooting match, and we got a big, fat, enormous, giant goose egg out of it as it relates to any kind of financial regulation.

As soon as the 110th Congress broke out and when we finally got a chance to do some regulation, what did we see? Through this House, we passed the shareholder vote on executive pay, the so-called "Say-on-Pay." If you were upset, frustrated, angry or were in any way annoyed by the AIG scandal and by the executive pay or by any of this stuff, you can know and feel good about the fact that it was the Democratic Congress and the Financial Services Committee, under the leadership of BARNEY FRANK, that passed Say-on-Pay, which said, "You know what? We're going to let those investors have a say-so over these executive pay packages. We're going to do that." That was passed in the 110th Congress, but it wasn't made law. It was passed through the 110th Congress.

Not only that, we did pass legislation to bring in regulation and oversight to the Office of the Federal Housing Enterprise Oversight. OFHEO was moved out, and the Federal Housing Financial Agency was moved in.

So, yes, the problems that the gentleman from Massachusetts identified with Fannie and Freddie were there. They did buy too many of these mortgage-backed securities. But what happened in the 110th Congress? We responded. We did something. We did not leave it to go unattended.

Not only that, we passed the Credit Cardholders' Bill of Rights in 2008, and we passed it again, and we're going to pass it again on the House floor tomorrow. I'm so excited about that. Let me just say something about it as we slow down to talk about it.

While we were debating the bill on the floor today, we had a good friend of

mine speak, a gentleman whom I actually quite enjoy listening to, a gentleman from Texas. He's a fine man, but he's fond of saying, "Okay. You guys are talking about predatory lending, but what about predatory borrowing?" You've heard this phrase, right? Well, let's talk about predatory borrowing for a minute.

□ 2045

When somebody gets an extra amount of money called a yield spread premium to steer you to a high cost loan and it makes them money to do so, that's how you get people getting into loans they are not supposed to get into. They get into loans because the people they trust, the mortgage originators who they rely on, are incentivized to do so.

What are we doing about it in the 111th Congress? We're addressing this practice right now to try to say no, it's your job to look out for the borrower. You have got to look out for the borrower. You can make more money by doing a lot of loans, you can make more money doing bigger loans, but you can't make more money simply by steering somebody to a high-cost loan. That is going on now.

We passed the Credit Cardholders' Bill of Rights Act in 2008, and we're going to pass it again very soon, and, God willing, it will be law in the very near future.

But not only that, the gentleman from Colorado talked about passage of the Neighborhood Stabilization Act. This is a bill that directed the Secretary of Housing and Urban Development to make loans to qualified States, metropolitan cities and urban areas in accordance with HUD approval grants to carry out eligible housing stimulus activities, which included greenification—is that a word? Greening. Renewable energy. And also buying up houses so that you wouldn't have these vacant, boarded-up places that were an attractive nuisance for everything from arson to young people getting dragged into these places and copper strippers and all the rest.

I submit today that the Democratic Congress, since we became the majority, has been actively engaged in financial regulation. We have been actively engaged in trying to look out for the American consumer. We have been trying to bring stability and liquidity to the financial markets. And I will submit that in the 110th Congress and the 111th Congress, the majority has demonstrated—and some Republicans have been smart enough to vote with us—and say yes, America is a free market society. We believe in the generative power of markets. We believe markets should be allowed to run, but we know human nature needs some restraint sometimes, and we need to have some rules to this game, and thank goodness this is happening right now.

So look forward to the American Recovery and Reinvestment Act which put real financial change in, the Credit

Cardholders' Bill of Rights Act of 2009, and the Mortgage Reform and Anti-Predatory Lending Act which was passed in 2007 but hopefully will become law in the weeks to come and which should be on the House floor in the very near future. That's what I call being a good steward, that's what I call being a financial leader, and that's what I call the leadership of Barney Frank from Massachusetts. I am proud to be on the committee.

Mr. CAPUANO. I would like to thank the gentleman.

I would like to just read one little fact. May 25, 2005, there was a vote in the Financial Services Committee of the House that was then under the control of Republicans. The chairman was Mike Oxley, who's been mentioned here a couple of times. I knew him. I served with him. He was a good man. He was a true conservative. But he was a good man. He fought for his ideals as we all fight for ours. And he, at that time, had control. He won a fair number of times, but he would talk to you openly, honestly, and didn't pull any punches.

Chairman Oxley at the head, Representative FRANK as the ranking member of the minority party, May 25, 2005, H.R. 1461, a vote of 65-5. Every single Democrat and, obviously, most of the Republicans on that committee voted for a reform bill of Fannie and Freddie. That bill came out, went to the Rules Committee, and was changed. Dramatically changed. Why was it changed? Pure ideology.

The Republicans—as the Democrats do now—if the Democrats stick together, we can pretty much pass any bill we want out of Financial Services or any other committee. That's the way the House works. At the time, the Republicans were in the majority. They could have passed any bill they wanted without a single Democratic vote if they chose to do so. Chairman Oxley preferred to take an important issue and work hard to get bipartisan support. And he did.

My colleagues here all serve on the Financial Service Committee. You can't name me too many times we have a rollover vote that we get a 65-5 vote on any issue of major importance today or almost ever. I have been on the committee 11 years now. It almost never happens. That is hard work. That is work that deserves credit. That is work that says it's a serious issue that should rise above ideology of either side. The bill wasn't perfect, in my opinion, but it was pretty good. And it was the best we could get at the time. We were in the minority. Understand that. Something is better than nothing.

So 65-5, the bill comes out and gets tossed aside by people that didn't know much about the issue, yet ran this House, because of ideological purposes. That tells you—I think it should tell you—there was an attempt to take action even in 2005. When that happens, you send the bill out, the committee has done its work, you think every-

thing is going well, you think people are in agreement; and when the leadership of this House says, "Forget about it. We're doing what we want to do on an ideological basis. We don't care about this bipartisanship," that tells you, don't even try this again. Don't waste your time. And there was nothing else that happened until Democrats took the House back, and we acted quickly. Representative ELLISON just listed a whole bunch of those items, and as he said, we're doing more today.

Mr. PERLMUTTER. Would the gentleman yield?

Mr. CAPUANO. Yes, I would.

Mr. PERLMUTTER. And I think that's the important point here. We want to explain to anybody who might be listening within this House. This is in an effort to be bipartisan. There was in 2005. There was when we took the control of the Congress in 2007 and 2008 and now 2009. BARNEY FRANK seeks that in every single vote and every single bill as we go through this, and then so does the President of the United States, Barack Obama. But we're not going to sit on our hands and allow the country to just stall out.

I mean, some of my friends on the other side, their mantra is "Just say no. We like the status quo." We can't afford the status quo any longer. So we're going to stabilize the housing market and the financial markets, we're going to stimulate this economy, and we're going to place back into the system reasonable regulations so that America can really get back on track. And we see signs of that today.

It's going to be a rocky time and a steep hill for us to climb, but we are turning the corner. I am just proud to be part of this Financial Services Committee with my friends here under the chairmanship of BARNEY FRANK and under a presidency of Barack Obama.

With that, I return the message to my friend from Massachusetts.

Mr. CAPUANO. I recognize the gentleman from Wisconsin.

Ms. MOORE of Wisconsin. Thank you.

I really agree with your sentiments, the gentleman from Colorado, that it's time to move forward. I only arrived here in the 109th Congress, and I was here for one session in the minority. But what I experienced then was BARNEY FRANK consistently working to try to reduce the systemic risk even before Paulson and Bush came and said, we're having a problem.

I remember the Federal Housing Financial Reform Act, to try to provide a good regulator for Freddie and Fannie, something that hadn't happened under Republican control. And, of course, no action was taken in the Senate. So thank God we've got maybe 60 votes now so that that won't be stalled out.

I saw BARNEY trying to provide what we did today, the Mortgage Reform and Anti-Predatory Lending Act of 2007. He tried to do it before today. Of course, that stalled in the Senate. So thank God we have 60 votes now. Maybe some of his initiatives can go forward.

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 phillias 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 phillias 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 plumb 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 NYSEERDA—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,

grow our national security. This strikes as a win across the board for us as consumers, for us as job seekers, for those of us striking to plan a comeback with this economy, and certainly for generations to follow in terms of a better environment that will be shared and passed on for other generations, coming generations, to steward.

So we are at that cutting edge, at the opportunity of ushering in a new era of thinking where we're able to invest not only in generation opportunities for energy's sake but to invest in those transmission opportunities.

I saw what happened just in my district, in the 21st Congressional District of New York, when we invested in groups like Superpower. Superpower is breaking its own records in producing a superconductive cable that allows us in the future to think of transmitting electrons in a way that provides far more opportunity and much greater efficiency as we wheel those electrons over a cable that can transmit far more electricity than can traditional cable of the same size. That's just one example.

We look at the opportunity with kinetic hydropower, that power that is produced by the turbulence of water flow. Just in the area of New York State, along the island of Manhattan, in the East River, we have seen the successful demonstration of kinetic hydropower. It is thought that some 1,100-megawatts' worth of power could be the solution just in one State by dealing with this innovation, by taking this cleverness of the intellect of energy reform and transitioning our economy into one that is based on far greater potential by investing in those sorts of designs.

So, as we move forward, we talk about clean-energy jobs, clean-energy jobs that cannot be shipped overseas. We talk about saving money for our families and for our businesses through efficiency. I saw what the investment of efficiency meant for many businesses, for many farms, for agriculture in the State of New York through NYSEERDA. The New York State Energy Research and Development Authority was there as a partner, working with the business.

That's what this is about. It's investing in our future. It's investing in new technology. It's investing in the opportunities to grow a better climate, to grow and to address the environmental needs, not only of this country but of the world, to make certain that we address climate change, that we address that carbon footprint that needs to be reduced. As stewards of the environment, we all have that responsibility, and it does a great deal to reduce that glutinous addiction that we have to foreign oil that is imported from some of the most unstable governments around the globe.

So here is a golden opportunity for us to turn green, to turn green in our energy outcomes and to grow a stronger American economy that finds us con-

trolling our destiny in much more bold expression.

You know, as we look at some of the opportunities here, we're looking at investments that could be made in not only the grid but with smart metering, making certain that we embrace new technology, cutting through some of the traditional patterns of the past and making certain that new choices, new cleverness, is incorporated into our energy thinking. Clean-energy jobs—it's calculated through the renewable electricity standard—can create some 300,000 new jobs, and in the area of efficiency, the talk is some 222,000 projected jobs. This is just in those two areas alone. That then equates to billions that are saved—\$100 billion with the opportunities for renewable electric standards and certainly some \$170 billion in efficiency savings.

We need to see efficiency measures as our fuel of choice. It is shelf-ready today. There are emerging technologies invested into through R&D today. There is the potential of growing countless other options, but the fact remains that we need to address the per capita consumption of electricity in this country in a way that enables us to see efficiency as something that is mined and drilled routinely. You know, as we mine for coal, as we drill for oil, we need to see that mining and drilling, for efficiency's sake, can produce great savings. It means the avoided cost of having to build additional plants. It means a clean outcome. It means less of a carbon footprint as we go forward with an investment in energy efficiency.

So all of this is at our fingertips. All of this great potential is here to allow us to create clean jobs. In so doing, we will strengthen our economy; we will provide certainty for our businesses in this country, and we will be able to address the pollution that is part and parcel to the residential, business and housing sections of this country—those sectors that all can be benefiting from energy thinking, that is of a nuance of sorts, that breaks from these traditional patterns and from the glutinous dependency.

So this evening, as we move forward in this hour of discussion, it is great to have colleagues here who will be talking about some of the opportunities that we have as energy consumers.

The fact remains that, for far too long, I believe we have invested in prototypes. We have invested in those new orders of thinking, but we have not done enough to stretch that budgeting to enable that prototype to be developed more fully and then to be entered into in the manufacturing sector.

When we think of the great potential, there are super opportunities for us to think in magnanimous terms, to think with a sense of vision that expresses our boldness for creating jobs not yet on the radar screen. When we develop green-collar workforces out there, when we develop that array of workers that will join the traditional assign-

ments through white- and blue-collar job opportunities, we will now be able to advance a new order of job creation of a green-collar variety. That new addition to the workforce out there will save those traditional white- and blue-collar jobs through the nuances that the green-collar job opportunities will bring.

I saw again, through the work done at NYSEERDA, where we were able to implement programs for training construction majors, for instance, in the new, cutting-edge technologies for solar and PV installation, making certain that those arrays are incorporated into the certification programs and matriculation programs at a local community college in the State of New York.

Hudson Valley Community College would train these green-collar workers and then would also reach out to other campuses and would enable them to develop that workforce that we will need as a society as we retrofit with this new order of thinking of efficiency, of conservation, of new technologies—emerging technologies—and of efficiency standards that will be enhanced so that we can go forward with new opportunities that this country can prosper by.

□ 2210

When we deal with the green collar job development, we're going to look at situations within the framework of this new thinking that will allow us to reach into the earlier grades, to allow students to think of the potential of a career path enabling us to develop with centers like BOCES and with trades, occupational efforts with apprenticeship programs, with the opportunities to go forward with community colleges, again developing their course work to comply with the growing needs of a green collar workforce and to offer those innovative opportunities into the college setting, into graduate studies. All of this, the array from trades on over to engineers, inventors and innovators, will all be required to be part of that process that provides that new thinking that will enable us to go forward in a way that will strengthen our economy and clean our environment and create opportunity.

The opportunities that befall us as a country are many, and knowing that in this process, it will draw down that dependency on fossil-based fuels knowing that we have precious little time to go forward, to clean up an environment that is impacted by some of the severe measurements that we see out there today.

That reminds us of a plan that we had in cleaning up acid rain that was part of the 1990s era, where through the efforts of the then-President, President Bush, we moved forward and fought acid rain successfully by having a focus and a plan and cutting back on situations that made polluters pay. But we're talking today of having polluters pay for their consequential damage to

the environment, we want to make certain that we benefit Americans, middle-class Americans with tax credits that will come from those who are polluting.

So it's encouraging clean companies, it's encouraging American-produced power, and it's providing tax credits to families, and it's investing resources from a clean-energy jobs programming that will invest in the new ideas that are being developed as we speak. But it's the sort of impetus that can be provided, the sort of incentive that is created that will really spur this sort of economic recovery that will make for a strong response.

I am reminded of a project that we had conducted while I was at the State Assembly in the State of New York as energy chair. We had reached out to energy service companies, we had reached out to academia, we had reached out to the farm bureau and worked with demonstration projects through local dairy farms and working through the auspices of NYSERDA, the State energy research and development authority, we were able to put together a review, an audit of those dairy farms, and take a situation where they were dealing with a perishable product and making certain that a highly regulated arena, as it should be, producing a basic nutritional need for this country that had to deal with the ebbs and flows of not only how they conducted business but dealing with energy cycles that they couldn't escape simply because of the forces of mother nature. With all of that being the dynamics of their day-to-day operation, we were able to work within that context to create energy efficiency opportunities that came through the guidance of groups at Cornell and Farm Bureau and the local utility and NYSERDA where we retrofitted to those dairy farms the sorts of demands for energy that dealt with pumping and cooling processes and put together a plan, a strategy, that really developed a very sound outcome—a pleasant surprise to those who participated in the demonstration project. In fact, it became so successful as a demonstration project that we advanced this notion to some 70 farms in the State of New York that prospered from this sort of activity, of auditing the farms and putting efficiency into play.

We also saw successful programs that came about with business incorporated into the energy-efficiency opportunities. And it reminds us that if we are going to compete, if we're going to ask our American businesses to compete in a global marketplace, then we need to advance every bit of opportunity of doing it in smart fashion, doing it in a way that is clever, that is causing a stronger outcome, a more progressive outcome simply by the incorporation of a highly intellectual energy plan, a comprehensive energy plan that looks at cutting demand.

For too often we have reached to a supply situation as we were looking at

energy solutions. We were developing more supply. We were content with using, consuming a lot of energy resources when, in fact, we should have moved forward with opportunities that allowed us to address the demand side of the equation.

Looking at that consumption factor, looking at the efficiency, looking at conservation were the clever strategies that were dictated simply by the dynamics of the given solution today.

So as we go forward, we see these opportunities to advance a plan that is encouraged by our President as he wants us to grow smart with our energy usage. He wants us to reach to innovation and a clever strategy using our creative genius to put together a source of investment in research and development, to grow those prototypes of the future, to further develop them and then move to the manufacturing of these commodities here in this country—domestic production of all sorts of nuances—making certain that we move forward not only in the energy generation world but in the energy transmission and distribution area giving commercial consumers the opportunity to work within the context of smart metering, making certain that they can have these smart meters to control their destiny so that they can see firsthand the amount that's being consumed and when to be on-peak and off-peak in given situations; to be able to have a transmission system that responds to weaknesses that were so highly visible in August of 2003 where we witnessed a huge collapse in the system, the delivery system, that started as far west as Ohio and moved into New York and New England and the mid-Atlantic States and into southeast Canada. That was a huge bit of blackout for consumers in that given bit of geography that stood as a glaring example of vulnerability, of a weakness in our system.

We need to go forward and advance the investments in a very wise and clever way that will enable us to strengthen that generation aspect of electricity, strengthen the transmission and distribution components, and to go forward with a commitment to efficiency and conservation. And looking at renewable opportunities. Taking advantage of so many opportunities that mother nature provides and where the President has called for an investment where we embrace our wind, our sun, our Earth to be able to make certain that we use that in a benign way to grow the energy response that we require that will be clean, that will be innovative, and that will draw down our energy dependence in a way that allows us to prosper with bolder outcomes.

As we move forward, I would encourage us to cleverly look at the plans that have been advanced by the leadership of this House, the discussion that is made of growing a green energy economy, the ideals embraced by the President and his administration for

this innovation economy that reaches to the American brain trust, that sees us with our science and tech potential to be ready and willing to go forward and provide for the nuances that will usher in a new era of energy thinking. That is what the opportunity for clean energy jobs is all about.

It's a clean energy jobs agenda that finds us producing jobs, developing jobs, retaining jobs, growing jobs in this country, avoiding the opportunities to ship overseas these jobs that have far too often escaped our American economy. And then for saving money for our families, our businesses, individuals in this country through efficiency opportunities, and ending that addiction, that gluttonous addiction to foreign oil, fossil fuels, that really do not enable us to think in the kind of boldness and the sense of vision that is required today.

Mr. Speaker, I thank you for the time to be here this evening and share these opportunities with you, to share the thinking that I believe can help us grow as a Nation and respond to the crisis that we see, the crisis with the energy situation, the crisis with our environment, the crisis with our economy. It can address a multitude of needs out there by embracing this sort of cleverness of thinking and advancing policies that are progressive and investing resources that will really strengthen us as a people, as a Nation, and certainly as a world.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BORDALLO (at the request of Mr. HOYER) for the week of April 27 on account of official business in the district.

Mr. PERRIELLO (at the request of Mr. HOYER) for today on account of business in the district.

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

#### SPECIAL ORDERS GRANTED

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

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

Mr. BOYD, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. MICHAUD, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Mr. BRADY of Pennsylvania, for 5 minutes, today.

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

Mr. POE of Texas, for 5 minutes, May 6.  
 Mr. JONES, for 5 minutes, May 6.  
 Mr. FRANKS of Arizona, for 5 minutes, today.  
 Mr. CONAWAY, for 5 minutes, April 30.  
 Ms. ROS-LEHTINEN, for 5 minutes, May 5 and 6.

ADJOURNMENT

Mr. TONKO. Mr. Speaker, I move that the House do now adjourn.  
 The motion was agreed to; accordingly (at 10 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Thursday, April 30, 2009, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

“I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true

faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

SCOTT MURPHY, New York, Twentieth.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the first quarter of 2009 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2009

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Winsome Packer .....	1/1	3/1	Austria .....	22,464.99	7,330.24						29,795.23
Shelly Han .....	1/19	1/21	Austria .....	622.00	6,084.31						6,706.31
Hon. Alcee Hastings .....	2/15	2/18	United Kingdom .....	1,241.91	5,170.29						6,412.20
	3/20	3/22	Belgium .....	1,373.13	6,762.93						8,136.06
Mischa Thompson .....	2/14	2/19	United Kingdom .....	1,655.88	8,323.35						9,979.23
	3/16	3/20	Austria .....	1,336.00	7,325.59						8,661.59
	3/20	3/25	Belgium .....	2,429.34							2,429.34
Fred Turner .....	3/20	3/22	Belgium .....	1,373.13	6,762.93						8,136.06
Committee total .....				32,496.38	47,759.64						80,256.02

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ALCEE L. HASTINGS, Chairman, Apr. 16, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JANUARY 1 AND MARCH 31, 2009.

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Keenan Keller .....	3/17	3/21	Austria .....	768.00	7,464.53						8,232.53
Committee total .....				768.00	7,464.53						8,232.53

<sup>1</sup> Per diem constitutes lodging and meals.  
<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN CONYERS, Jr., Chairman, Apr. 15, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1489. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1490. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1491. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID

FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1492. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1493. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1494. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1495. A letter from the Chief Counsel, Department of Homeland Security, transmit-

ting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1496. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1042] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1497. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1039] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1498. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations [Docket ID FEMA-2008-0020] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1499. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1036] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1500. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1030] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1501. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8067] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1502. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8065] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1503. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8061] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1504. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Delay of Effective Date [Docket No.: FR-4998-F-04] (RIN: 2501-AD16) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1505. A letter from the Associate General Counsel for Legislation & Regulation Divisions, Department of Housing and Urban Development, transmitting the Department's final rule — Real Estate Settlement Procedures Act (RESPA): Rule To Simplify and Improve the Process of Obtaining Mortgages and Reduce Consumer Settlement Costs; Further Deferred Applicability Date for the Revised Definition of "Required Use" and Solicitation of Public Comment on Withdrawal of Required Use Provision [Docket No.: FR-5180-F-05] (RIN: 2502-AI61) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1506. A letter from the Deputy Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's report covering the activities of the Office of Financial Stability and the TARP during the period of March 1, 2009 to March 31, 2009, pursuant to Section 105(a) of the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

1507. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Modification of Temporary Liquidity Guarantee Program (RIN:

3064-AD37) received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1508. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Accuracy of Advertising and Notice of Insured Status (RIN: 3133-AD52) received March 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1509. A letter from the Secretary, Department of Education, transmitting a legislative proposal, which would limit the application of the requirement to delay the effective date of certain student aid regulations under Title IV of the Higher Education Act of 1965; to the Committee on Education and Labor.

1510. A letter from the Acting Director, National Institute for Literacy, transmitting the Institute's report entitled, "Developing Early Literacy: A Scientific Synthesis of Early Literacy Development and Implications for Intervention"; to the Committee on Education and Labor.

1511. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Encouraging Early Submission of Citizen Petitions and Petitions for Stay of Agency Action"; to the Committee on Energy and Commerce.

1512. A letter from the Inspector General, Department of Health and Human Services, transmitting the Department's annual update on the use and effectiveness of funds appropriated by the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce.

1513. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's report on the issuance of passports during fiscal year 2008; to the Committee on Foreign Affairs.

1514. A letter from the Acting President, Overseas Private Investment Corporation, transmitting the Corporation's Annual Policy Report for Fiscal Year 2008 and the Report on Cooperation with Private Insurers, pursuant to Section 240A of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

1515. A letter from the Acting Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting the Agency's annual report for Fiscal Year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1516. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's annual report for fiscal year 2008, pursuant to 5 CFR 724.302; to the Committee on Oversight and Government Reform.

1517. A letter from the Director, National Science Foundation, transmitting the Foundation's annual report for fiscal year 2008, pursuant to Public Law 107-174; to the Committee on Oversight and Government Reform.

1518. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1519. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's Annual Report for Fiscal Year 2008, pursuant to Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1520. A letter from the Chief Judge, Superior Court of the District of Columbia, trans-

mitting the Court's report on the activities of the Family Court during 2008, pursuant to Public Law 107-114; to the Committee on Oversight and Government Reform.

1521. A letter from the Secretary, Judicial Conference of the United States, transmitting the Conference's report entitled, "Report on the Adequacy of the Rules Prescribed under the E-Government Act of 2002"; pursuant to Public Law 107-347, section 205(c)(3)(C); to the Committee on the Judiciary.

1522. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Bull Flugtag, Seddon Channel Turning Basin, Tampa, Florida. [Docket No.: USCG-2008-0093] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1523. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Long Range Identification and Tracking of Ships [Docket No.: USCG-2005-22612] (RIN: 1625-AB00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1524. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Cleveland harbor, Dock 32, Cleveland, OH [USCG-2008-0329] (RIN: 1625-AA87) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1525. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Colorado River, Parker, AZ [Docket No.: USCG-2007-0140] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1526. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Arkansas Waterway, Little Rock, AR, Operation Change [Docket No.: USCG-2007-0043] (RIN: 1625-AA09) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1527. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Chesapeake and Delaware Canal, Chesapeake City Anchorage Basin, MD. [Docket No.: USCG-2008-0315] (RIN: 1625-AA11) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1528. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No.: FAA-2008-0644; Directorate Identifier 2007-NM-321-AD; Amendment 39-15659; AD 2008-18-02] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1529. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-600 Airplanes [Docket No.: FAA-2008-0613; Directorate Identifier 2008-NM-066-AD; Amendment 39-15794; AD 2009-02-04] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1530. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No.: FAA-2007-0254; Directorate Identifier 2007-NM-209-AD; Amendment 39-15795; AD 2009-02-05] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1531. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -400ER Series Airplanes [Docket No.: FAA-2008-0150; Directorate Identifier 2007-NM-325-AD; Amendment 39-15818; AD 2009-04-12] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1532. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No.: FAA-2008-1006; Directorate Identifier 2008-NM-110-AD; Amendment 39-15822; AD 2009-04-16] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1533. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No.: FAA-2008-0908; Directorate Identifier 2007-NM-190-AD; Amendment 39-15788; AD 2009-01-09] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1534. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-45 and CF6-50 Series Turbofan Engines [Docket No.: FAA-2006-24145; Directorate Identifier 2006-NE-06-AD; Amendment 39-15823; AD 2009-04-17] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1535. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No.: FAA-2007-29255; Directorate Identifier 2007-NM-085-AD; Amendment 39-15821; AD 2009-04-15] (RIN: 2120-AA64) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1536. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30653; Amdt. No. 479] received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1537. A letter from the Chair, Christopher Columbus Fellowship Foundation, transmitting the Foundation's annual report for fiscal year 2008, pursuant to Public Law 102-281, section 429(b); jointly to the Committees on Financial Services and Science and Technology.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 379. Resolution providing for further consideration of the bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes (Rept. 111-92). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KING of New York (for himself, Mr. RANGEL, Mr. CASTLE, Mrs. MCCARTHY of New York, Mr. KIRK, Mr. MORAN of Virginia, and Mr. SMITH of New Jersey):

H.R. 2159. A bill to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas (for herself, Ms. BORDALLO, Mr. LUETGEMEYER, Ms. KILROY, Ms. ZOE LOFGREN of California, and Mr. THOMPSON of Mississippi):

H.R. 2160. A bill to promote and encourage the valuable public service, disaster relief, and emergency communications provided on a volunteer basis by licensees of the Federal Communications Commission in the Amateur Radio Service, by undertaking a study of the uses of amateur radio for emergency and disaster relief communications, by identifying unnecessary or unreasonable impediments to the deployment of Amateur Radio emergency and disaster relief communications, and by making recommendations for relief of such unreasonable restrictions so as to expand the uses of amateur radio communications in Homeland Security planning and response; to the Committee on Energy and Commerce.

By Ms. SHEA-PORTER (for herself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. PAYNE, Mr. HARE, Mr. COURTNEY, Ms. HIRONO, Mr. KUCINICH, Mr. SCOTT of Virginia, Ms. SCHAKOWSKY, Mr. LOEBSACK, Mr. GRIJALVA, Mr. HINOJOSA, Mr. WU, Ms. DEGETTE, Ms. MOORE of Wisconsin, Ms. SUTTON, Mrs. MALONEY, Ms. WATERS, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. CASTOR of Florida):

H.R. 2161. A bill to nullify certain regulations promulgated under the Family and Medical Leave Act of 1993 and restore prior regulations and to direct the Secretary of Labor to revise certain additional regulations under that Act; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINNICK (for himself and Mr. SIMPSON):

H.R. 2162. A bill to designate the facility of the United States Postal Service located at 123 11th Avenue South in Nampa, Idaho, as the "Herbert A Littleton Postal Station"; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER (for himself, Mr. McDERMOTT, Mr. LARSON of Connecticut, and Mr. KLEIN of Florida):

H.R. 2163. A bill to authorize the Secretary of Transportation to make grants for certain

streetcar projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BLUMENAUER (for himself, Mr. McDERMOTT, Mr. LARSON of Connecticut, and Mr. KLEIN of Florida):

H.R. 2164. A bill to amend title 49, United States Code, to modify the authority of the Secretary of Transportation to make grants for new fixed guideway capital projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BARROW (for himself, Mr. MARKEY of Massachusetts, and Mr. WAXMAN):

H.R. 2165. A bill to amend Part II of the Federal Power Act to address known cybersecurity threats to the reliability of the bulk power system, and to provide emergency authority to address future cybersecurity threats to the reliability of the bulk power system, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CUELLAR:

H.R. 2166. A bill to amend the Communications Act of 1934 to provide universal service support to head start programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CUELLAR (for himself, Mr. HINOJOSA, and Mr. ORTIZ):

H.R. 2167. A bill to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain lands as the Los Caminos del Rio Los Caminos del Rio National Heritage Corridor, and for other purposes; to the Committee on Natural Resources.

By Mr. DUNCAN:

H.R. 2168. A bill to amend the Internal Revenue Code of 1986 to suspend the penalty on underpayments of Federal income tax for unemployed individuals; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 2169. A bill to limit Federal spending to a percentage of GDP; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY:

H.R. 2170. A bill to direct the Secretary of Agriculture to establish a program to provide covered institutions loans for conversion to use of biomass for energy generation; to the Committee on Agriculture.

By Mr. HINCHEY (for himself, Mr. MCHUGH, Mr. PLATTS, Mr. FATTAH, Ms. SLAUGHTER, Mr. BARROW, Mr. GORDON of Tennessee, Mr. LOEBSACK, Mr. GERLACH, Mr. MCGOVERN, Mr. POE of Texas, Mr. ARCURI, Mr. ACKERMAN, Mr. ISRAEL, Mrs. MALONEY, Mr. GONZALEZ, Mr. NADLER of New York, Mr. TONKO, Mrs. LOWEY, and Mr. CROWLEY):

H.R. 2171. A bill to authorize the Archivist of the United States to make grants to States for the preservation and dissemination of historical records; to the Committee on Oversight and Government Reform.

By Mr. LARSEN of Washington (for himself, Mr. DICKS, Mr. McMAHON, Mr. YOUNG of Alaska, Mr. SIREN, Mr. INSLEE, Mr. KAGEN, Mr. PASCRELL, Mr. DELAHUNT, Mr. ISRAEL, Mr. BUTTERFIELD, Mr. JONES, Mr. COURTNEY, Mr. TAYLOR, Ms. PINGREE of Maine, Mr. SMITH of Washington, Mr. MCINTYRE, Mr. REICHERT, and Mr. McDERMOTT):

H.R. 2172. A bill to promote secure ferry transportation and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MICHAUD (for himself and Ms. PINGREE of Maine):

H.R. 2173. A bill to designate the facility of the United States Postal Service located at 1009 Crystal Road in Island Falls, Maine, as the "Carl B. Smith Post Office"; to the Committee on Oversight and Government Reform.

By Mr. MICHAUD (for himself and Ms. PINGREE of Maine):

H.R. 2174. A bill to designate the facility of the United States Postal Service located at 18 Main Street in Howland, Maine, as the "Clyde Hichborn Post Office"; to the Committee on Oversight and Government Reform.

By Mr. MORAN of Virginia (for himself and Mr. BRADY of Pennsylvania):

H.R. 2175. A bill to prohibit as indecent the broadcasting of any advertisement for a medication for the treatment of erectile dysfunction, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POMEROY (for himself, Mr. SAM JOHNSON of Texas, and Mrs. CAPPs):

H.R. 2176. A bill to amend title XVIII of the Social Security Act to continue the ability of hospitals to supply a needed workforce of nurses and allied health professionals by preserving funding for hospital operated nursing and allied health education programs; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. SPRATT, Mr. WAXMAN, Ms. SCHAKOWSKY, Mr. CONYERS, Mr. COOPER, Mr. MILLER of North Carolina, Mr. MCGOVERN, Mr. DINGELL, Mr. FILNER, Mrs. MALONEY, Mrs. CAPPs, Mr. BRADY of Pennsylvania, Mr. ELLISON, Ms. HIRONO, Mr. HALL of New York, Mr. ETHERIDGE, Mr. FARR, Mr. BLUMENAUER, and Mr. PAYNE):

H.R. 2177. A bill to require accountability for personnel performing private security functions under Federal contracts, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Foreign Affairs, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 2178. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to eliminate certain mandatory minimum penalties relating to crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself and Mr. MINNICK):

H.R. 2179. A bill to permit commercial vehicles at weights up to 129,000 pounds to use certain highways of the Interstate System in the State of Idaho, which would provide significant savings in the transportation of goods throughout the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. TEAGUE (for himself and Mr. FILNER):

H.R. 2180. A bill to amend title 38, United States Code, to waive housing loan fees for certain veterans with service-connected disabilities called to active service; to the Committee on Veterans' Affairs.

By Ms. TITUS (for herself and Mr. CARDOZA):

H.R. 2181. A bill to require servicers of mortgages on single family homes to provide notice to mortgagors of possible eligibility

for Federal mortgage assistance; to the Committee on Financial Services.

By Mr. TOWNS (for himself, Mr. ISSA, Mr. KUCINICH, Mr. PLATTS, Mr. WELCH, and Mr. CONNOLLY of Virginia):

H.R. 2182. A bill to amend the American Recovery and Reinvestment Act of 2009 to provide for enhanced State and local oversight of activities conducted pursuant to such Act, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SKELTON (for himself, Mr. MCHUGH, Mr. MARSHALL, Mrs. DAVIS of California, Mr. WILSON of South Carolina, Mr. FLEMING, Mr. REYES, Mr. BRADY of Pennsylvania, Mr. LANGEVIN, Ms. BORDALLO, Mr. SHUSTER, Mr. BISHOP of Utah, Mr. ANDREWS, Mr. JOHNSON of Georgia, Mr. LARSEN of Washington, Mr. ORTIZ, Ms. GIFFORDS, Mr. COURTNEY, Mr. MCKEON, Mr. SPRATT, Ms. PINGREE of Maine, Mr. FORBES, Mr. MILLER of Florida, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. SMITH of Washington, Mr. ELLSWORTH, Mr. COFFMAN of Colorado, Mr. BARTLETT, Ms. LORETTA SANCHEZ of California, and Ms. TSONGAS):

H.J. Res. 44. A joint resolution recognizing the service, sacrifice, honor, and professionalism of the Noncommissioned Officers of the United States Army; to the Committee on Armed Services.

By Mr. BUCHANAN (for himself, Mr. CAO, Ms. BORDALLO, Mr. LEE of New York, Mr. MCKEON, Mr. ROGERS of Michigan, Mr. ROONEY, Ms. KILPATRICK of Michigan, Mr. THOMPSON of Pennsylvania, Mr. CASTLE, Mr. DENT, Mr. ALTMIRE, Mrs. BACHMANN, Mrs. MYRICK, Mr. LATTA, Mr. GOHMERT, Mr. BROWN of South Carolina, Mr. NEAL of Massachusetts, Mr. BARTLETT, Mr. REICHERT, Mr. BURTON of Indiana, Mrs. BLACKBURN, Mr. MACK, Mr. WAMP, Mr. SCHRADER, Mr. SMITH of New Jersey, Mr. ROE of Tennessee, Mr. HALL of New York, Mr. BOOZMAN, Mr. UPTON, and Mr. ABERCROMBIE):

H. Con. Res. 114. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to honor our Nation's disabled veterans; to the Committee on Oversight and Government Reform.

By Mr. CALVERT (for himself and Mr. ABERCROMBIE):

H. Res. 377. A resolution recognizing Armed Forces Day and the exemplary service of the members of the United States Armed Forces; to the Committee on Armed Services.

By Mr. POE of Texas (for himself, Mr. MCCOTTER, Mr. PAYNE, Mr. MACK, Mr. INGLIS, Mr. CAMPBELL, Mr. BILIRAKIS, Mr. ROHRBACHER, Mr. BURTON of Indiana, Mr. MCCAUL, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. GALLEGLY, Mr. SCHOCK, Mr. ROONEY, Mr. WOLF, Mr. CHAFFETZ, Mr. OLSON, Mr. FLAKE, Mr. WILSON of South Carolina, Mr. ROYCE, Mr. LAMBORN, Ms. ROSLEHTINEN, Mr. FRANKS of Arizona, Mrs. MILLER of Michigan, and Mr. CALVERT):

H. Res. 378. A resolution recognizing the 30th anniversary of the election of Margaret Thatcher as the first female Prime Minister of Great Britain; to the Committee on Foreign Affairs.

By Mr. COSTA (for himself, Mr. WU, Ms. SPEIER, Mr. REYES, Mr. BILBRAY, Ms. DEGETTE, Mr. CLAY, and Mr. CAMP):

H. Res. 380. A resolution expressing support for designation of April as "National Donate Life Month" and expressing gratitude to all Americans who have communicated their intent to be organ and tissue donors; to the Committee on Energy and Commerce.

## MEMORIALS

Under clause 4 of Rule XXII,

38. The SPEAKER presented a memorial of the State Senate of Georgia, relative to Senate Resolution 632 affirming states' rights based on Jeffersonian principles; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

- H.R. 21: Mr. KIND and Mr. KILDEE.  
 H.R. 155: Mr. HALL of Texas.  
 H.R. 179: Mr. PIERLUISI.  
 H.R. 181: Ms. LINDA T. SANCHEZ of California.  
 H.R. 197: Mr. CONAWAY, Mr. PETERSON, and Mr. SCALISE.  
 H.R. 207: Mr. HUNTER and Mr. WITTMAN.  
 H.R. 208: Mr. BARRETT of South Carolina, Ms. BALDWIN, Mr. YARMUTH, Mr. CARNEY, Mr. McMAHON, Mr. PLATTS, Mr. ROSS, Mr. WELCH, Ms. BORDALLO, and Mrs. NAPOLITANO.  
 H.R. 213: Mr. MOORE of Kansas, Mr. POSEY, and Mr. DAVIS of Kentucky.  
 H.R. 218: Mr. PLATTS.  
 H.R. 265: Mr. FRANK of Massachusetts.  
 H.R. 270: Ms. TSONGAS.  
 H.R. 303: Mr. MORAN of Virginia, Mr. FILNER, Mr. LATHAM, and Mr. LATOURETTE.  
 H.R. 347: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. MURTHA, Mr. CARSON of Indiana, Mr. CANTOR, Mr. DINGELL, Mr. FATTAH, Mr. FOSTER, Mr. NYE, Mr. SPACE, Mr. ALEXANDER, Mr. BARTON of Texas, Mrs. BIGGETT, Mrs. BLACKBURN, Mr. BOUSTANY, Mr. BROWN of South Carolina, Mr. CASTLE, Mr. COLE, Mr. CRENSHAW, Mr. DAVIS of Kentucky, Mr. MARIO DIAZ-BALART of Florida, Mr. FORBES, Ms. FOX, Mr. FRELINGHUYSEN, Mr. GINGREY of Georgia, Mr. HENSARLING, Mr. HOEKSTRA, Mr. INGLIS, Mr. KING of Iowa, Mr. WITTMAN, Mr. LATOURETTE, Mr. LOBIONDO, Mr. MANZULLO, Mr. MARCHANT, Mr. MICA, Mr. PLATTS, Mr. RYAN of Wisconsin, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. UPTON, Mr. YOUNG of Alaska, Mr. WAMP, Mr. WILSON of South Carolina, Mr. HALL of New York, Mr. CLYBURN, Mr. DAVIS of Alabama, Ms. DELAURO, Mrs. HALVORSON, Mr. HEINRICH, Ms. KILPATRICK of Michigan, Ms. MARKEY of Colorado, Mr. MASSA, Mr. OBERSTAR, Mr. RANGEL, Mr. THOMPSON of Mississippi, Mr. YARMUTH, Mr. BURTON of Indiana, Mr. PUTNAM, and Mr. TERRY.  
 H.R. 430: Mr. BISHOP of New York and Mr. ROE of Tennessee.  
 H.R. 433: Mr. KING of New York.  
 H.R. 442: Mr. CHILDERS, Mr. MARCHANT, Mr. CONAWAY, and Mr. BARROW.  
 H.R. 450: Mr. WESTMORELAND.  
 H.R. 482: Mr. HOEKSTRA.  
 H.R. 510: Mr. COBLE and Mr. BOOZMAN.  
 H.R. 556: Mr. ROTHMAN of New Jersey and Mr. CONNOLLY of Virginia.  
 H.R. 574: Mr. MURPHY of Connecticut, Ms. DELAURO, Mr. FARR, Mr. PETERSON, Mr. COURTNEY, and Ms. KILPATRICK of Michigan.  
 H.R. 618: Mr. SESTAK.  
 H.R. 622: Mr. SMITH of Nebraska.  
 H.R. 635: Mr. GRJALVA.  
 H.R. 816: Mr. BISHOP of Utah, Mr. GOODLATTE, Mr. BURTON of Indiana, Mr. BROUN of Georgia, Mr. MCNERNEY, Mr. ROSKAM, Mr.

- TIM MURPHY of Pennsylvania, Mr. KIND, Mr. LATOURETTE, and Mr. SCALISE.  
 H.R. 840: Mr. POE of Texas, Ms. SHEA-PORTER, and Mr. INSLER.  
 H.R. 847: Mr. COHEN.  
 H.R. 904: Mr. FATTAH.  
 H.R. 927: Mr. KRATOVIL.  
 H.R. 982: Mrs. BIGGERT, Mr. BRADY of Texas, and Mr. CHAFFETZ.  
 H.R. 1067: Mr. ROONEY.  
 H.R. 1074: Mr. BARRETT of South Carolina, Mr. SOUDER, Mr. CONAWAY, and Mr. BARROW.  
 H.R. 1102: Mr. ALTMIRE.  
 H.R. 1174: Mr. LIPINSKI, Mrs. CAPITO, and Mr. PIERLUISI.  
 H.R. 1189: Mr. MICHAUD and Mr. GENE GREEN of Texas.  
 H.R. 1190: Mr. PETERSON.  
 H.R. 1191: Mr. PASCARELL and Mr. REICHERT.  
 H.R. 1193: Mr. CONNOLLY of Virginia.  
 H.R. 1194: Mr. UPTON, Mr. HASTINGS of Florida, and Mr. BUTTERFIELD.  
 H.R. 1203: Mr. MICHAUD, Ms. ZOE LOFGREN of California, Mr. JACKSON of Illinois, Mr. UPTON, and Mr. POMEROY.  
 H.R. 1206: Mr. CRENSHAW, Mr. HASTINGS of Washington, Mr. GINGREY of Georgia, Mr. ALEXANDER, Mr. BURGESS, and Mr. ROHR-ABACHER.  
 H.R. 1207: Mr. WILSON of Ohio, Mr. HALL of Texas, Mr. KLINE of Minnesota, Mrs. BONO MACK, Mr. TIM MURPHY of Pennsylvania, Mr. CALVERT, Mr. MCDERMOTT, Mr. UPTON, and Mr. BACHUS.  
 H.R. 1208: Mr. WAMP, Mr. MCCLINTOCK, Mr. REHBERG, Mr. STEARNS, Mr. ROE of Tennessee, Mr. BURGESS, Mr. GINGREY of Georgia, Mr. ALEXANDER, Mr. KIRK, Mr. ROHR-ABACHER, Mr. SCALISE, and Mr. LATOURETTE.  
 H.R. 1269: Mr. HENSARLING.  
 H.R. 1283: Mr. HIGGINS.  
 H.R. 1308: Mr. CARSON of Indiana, Mr. DINGELL, Mr. HALL of New York, Mr. MOORE of Kansas, Mr. MCGOVERN, and Ms. EDDIE BERNICE JOHNSON of Texas.  
 H.R. 1324: Mr. SERRANO, Mr. MEEKS of New York, Mr. AL GREEN of Texas, Mr. GRAYSON, Mr. TONKO, Mr. INSLER, Mr. STUPAK, and Mr. SKELTON.  
 H.R. 1326: Mr. TIERNEY.  
 H.R. 1327: Mr. CHANDLER, Ms. BEAN, Mr. SULLIVAN, Mr. WESTMORELAND, Mr. KISSELL, Mr. AL GREEN of Texas, Mr. JORDAN of Ohio, Mr. MCNERNEY, Mr. COSTA, Ms. SPEIER, Mr. MATHESON, Mr. SCOTT of Georgia, Mr. MAFFEL, Mr. LEE of New York, Mrs. MYRICK, Mr. COHEN, Mr. BOOZMAN, Mr. CROWLEY, Mr. BARRETT of South Carolina, Mr. HERGER, Mr. MANZULLO, and Mr. CLEAVER.  
 H.R. 1392: Mr. TIBERI.  
 H.R. 1411: Ms. JACKSON-LEE of Texas.  
 H.R. 1422: Mr. MARCHANT.  
 H.R. 1430: Mr. MOORE of Kansas, Mr. GERLACH, Mr. PAYNE, and Mr. SMITH of New Jersey.  
 H.R. 1458: Mr. PASCARELL and Mr. COSTA.  
 H.R. 1470: Mr. PETERSON.  
 H.R. 1479: Ms. FUDGE and Mr. MEEK of Florida.  
 H.R. 1522: Mr. OBERSTAR, Mr. STARK, Ms. LEE of California, Mrs. CAPP, Mr. COURTNEY, Mr. SESTAK, Mr. MCGOVERN, Ms. BORDALLO, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BISHOP of New York.  
 H.R. 1547: Mr. LEWIS of Georgia, Mr. COLE, Mr. LUCAS, Ms. RICHARDSON, Ms. ESHOO, Mr. CROWLEY, Mr. MCNERNEY, Mr. NEUGEBAUER, Mr. ALTMIRE, and Mr. BRADY of Pennsylvania.  
 H.R. 1549: Ms. LINDA T. SÁNCHEZ of California.  
 H.R. 1551: Ms. LINDA T. SÁNCHEZ of California and Mr. QUIGLEY.  
 H.R. 1552: Mr. GRAYSON, Mr. WITTMAN, Mr. HOLDEN, Mr. MCINTYRE, Mr. SHULER, Mr. BOREN, Mr. WILSON of Ohio, Mr. ARCURI, Mr. COSTA, Mr. PETERSON, Mr. MOORE of Kansas, Mr. DAVIS of Tennessee, and Mr. CUELLAR.  
 H.R. 1585: Mr. CONNOLLY of Virginia, Ms. ZOE LOFGREN of California, Mr. ALTMIRE, Mr. PETERSON, Mrs. MALONEY, and Mr. GENE GREEN of Texas.  
 H.R. 1616: Mr. QUIGLEY, Mr. MILLER of North Carolina, Ms. CLARKE, and Mr. PIERLUISI.  
 H.R. 1670: Ms. WOOLSEY and Mr. PITTS.  
 H.R. 1675: Mr. CAPUANO.  
 H.R. 1684: Mr. SCALISE, Mr. SOUDER, and Mr. CONAWAY.  
 H.R. 1700: Mr. PETERSON.  
 H.R. 1708: Ms. SCHWARTZ.  
 H.R. 1729: Mr. HOLT and Mrs. BIGGERT.  
 H.R. 1703: Mrs. CHRISTENSEN.  
 H.R. 1736: Mr. HOLT.  
 H.R. 1787: Mr. VAN HOLLEN.  
 H.R. 1792: Mrs. LOWEY.  
 H.R. 1802: Mr. FORBES and Mr. SIMPSON.  
 H.R. 1813: Mr. BURTON of Indiana.  
 H.R. 1836: Mr. ROONEY.  
 H.R. 1841: Mr. KING of New York.  
 H.R. 1842: Mr. HALL of Texas.  
 H.R. 1864: Mr. YOUNG of Florida, Mrs. SCHMIDT, Mr. HASTINGS of Washington, and Mr. GINGREY of Georgia.  
 H.R. 1881: Mr. FARR, Ms. BERKLEY, Mr. LYNCH, Mr. HARE, Mr. MASSA, Ms. SHEA-PORTER, Mr. MITCHELL, Mr. ALTMIRE, Mr. PALLONE, and Mr. BACA.  
 H.R. 1894: Mr. PASCARELL and Ms. ZOE LOFGREN of California.  
 H.R. 1910: Mr. CUELLAR and Mr. LANCE.  
 H.R. 1912: Mr. LANCE and Mr. POLIS of Colorado.  
 H.R. 1933: Mrs. LOWEY.  
 H.R. 1941: Mr. MINNICK and Mr. BISHOP of Utah.  
 H.R. 1958: Ms. BORDALLO.  
 H.R. 1976: Mr. FARR.  
 H.R. 1977: Ms. MOORE of Wisconsin and Mr. TAYLOR.  
 H.R. 2000: Mr. MCNERNEY and Mr. BRADY of Pennsylvania.  
 H.R. 2006: Mr. MICHAUD, Mr. KILDEE, and Mr. NADLER of New York.  
 H.R. 2014: Mr. BARRETT of South Carolina, Mrs. LOWEY, and Mr. GARY G. MILLER of California.  
 H.R. 2021: Mr. SMITH of Nebraska, Mr. PAUL, Mr. HASTINGS of Washington, Mr. MANZULLO, Mr. CASSIDY, and Mrs. BONO MACK.  
 H.R. 2047: Mr. LINDER and Mrs. MILLER of Michigan.  
 H.R. 2063: Mrs. BLACKBURN, Mr. GOHMERT, Mrs. EMERSON, and Mr. SAM JOHNSON of Texas.  
 H.R. 2090: Mr. BISHOP of New York and Mr. ACKERMAN.  
 H.R. 2113: Ms. NORTON.  
 H.R. 2116: Mr. CONNOLLY of Virginia, Mr. SCHIFF, Mr. CARNEY, and Mr. MITCHELL.  
 H.R. 2117: Mr. REYES.  
 H.R. 2118: Mr. SESSIONS.  
 H.R. 2119: Mr. SESSIONS.  
 H.R. 2132: Mr. MEEK of Florida.  
 H.R. 2148: Mrs. CAPP.  
 H.R. 2149: Mrs. MALONEY.  
 H. Con. Res. 58: Mr. ABERCROMBIE and Mr. SESTAK.  
 H. Con. Res. 87: Mr. MCCOTTER and Mr. COSTA.  
 H. Con. Res. 102: Mr. PETERSON and Mr. LATHAM.  
 H. Con. Res. 111: Ms. BERKLEY, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BOSWELL, Mr. BROUN of Georgia, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. DENT, Mr. FRANKS of Arizona, Mr. FOSTER, Mr. HODES, Mr. LOBIONDO, Mr. MARKEY of Massachusetts, Mr. MASSA, Mr. PRICE of Georgia, Mr. SESSIONS, Mr. SHUSTER, Mr. TIAHRT, Mr. WILSON of South Carolina, Mr. SCOTT of Georgia, Mr. MCMAHON, Mr. HOLDEN, Mr. CULBERSON, Mr. LINCOLN DIAZ-BALART of Florida, Mr. LAMBORN, Mr. GALLEGLY, Mr. POE of Texas, Mrs. BACHMANN, Mr. MARCHANT, Mr. MORAN of Kansas, Mr. CONAWAY, Mr. DAVIS of Tennessee, Mrs. SCHMIDT, and Mr. STEARNS.  
 H. Res. 42: Mr. WAMP, Mr. TIM MURPHY of Pennsylvania, Mr. MCHUGH, and Mr. ALEXANDER.  
 H. Res. 111: Mr. ROONEY, Mrs. SCHMIDT, Mr. YARMUTH, Mr. PERLMUTTER, and Mr. SHIMKUS.  
 H. Res. 130: Mr. CHILDERS.  
 H. Res. 192: Mr. BACA, Ms. MCCOLLUM, Ms. EDWARDS of Maryland, Mr. TIBERI, Mr. LOBIONDO, Mr. THOMPSON of California, Mr. SARBANES, and Mr. WILSON of Ohio.  
 H. Res. 204: Mr. GINGREY of Georgia, Mr. PITTS, Mr. HALL of Texas, Mr. SHADEGG, Mr. BARTON of Texas, Mr. MCHUGH, Mr. POSEY, Mr. PETERSON, Mrs. EMERSON, Mr. CULBERSON, Mr. LINDER, Mr. EDWARDS of Texas, Mr. WAMP, Mr. BISHOP of Utah, Mr. KING of Iowa, Mr. GOHMERT, Mr. GENE GREEN of Texas, Mrs. BIGGERT, Ms. FOX, Mr. BAIRD, Mr. SHUSTER, Mr. WESTMORELAND, Ms. DELAURO, Mr. FLAKE, Mr. HARPER, Mr. GUTIERREZ, Mr. COBLE, and Mr. KUCINICH.  
 H. Res. 209: Mr. LINCOLN DIAZ-BALART of Florida and Mr. ENGEL.  
 H. Res. 232: Mr. BUYER.  
 H. Res. 236: Ms. KOSMAS.  
 H. Res. 252: Mrs. LOWEY and Ms. BERKLEY.  
 H. Res. 291: Ms. BORDALLO.  
 H. Res. 300: Mr. MCKEON and Mr. CASSIDY.  
 H. Res. 309: Mr. WILSON of South Carolina, Mr. BOOZMAN, and Mr. FRANKS of Arizona.  
 H. Res. 333: Mr. ELLISON.  
 H. Res. 362: Mr. FILNER, Mr. HINOJOSA, Ms. KILPATRICK of Michigan, Mr. PASCARELL, Mr. POLIS of Colorado, Mr. SKELTON, Mr. MCGOVERN, and Mr. BRADY of Pennsylvania.  
 H. Res. 364: Mr. OLSON, Mr. CROWLEY, Mr. BRADY of Pennsylvania, and Mr. NADLER of New York.  
 H. Res. 366: Mr. MOORE of Kansas, Mr. LAMBORN, and Mr. CAPUANO.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Gutierrez or a designee to H.R. 627 the Credit Cardholders' Bill of Rights, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.