

fire companies in coping with the precipitous rise in fuel prices.

S. 3240

At the request of Mr. SESSIONS, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3240, a bill to promote energy production and security in the United States, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WHITEHOUSE (for himself and Mr. DURBIN):

S. 3259. A bill to amend title 11, United States Code, with respect to the priority of certain high cost credit debts; to the Committee on the Judiciary.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3259

*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 "Consumer Credit Fairness Act".

#### SEC. 2. EFFECTS OF HIGH COST CREDIT ON BANKRUPTCY PROCEEDINGS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraph (27B) as paragraph (27C); and

(2) by inserting after paragraph (27A) the following:

“(27B) The term ‘high cost consumer credit transaction’ means an extension of credit by a ‘creditor’ (as defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602(f)), resulting in a consumer debt that has an applicable annual percentage rate (as determined in accordance with section 107(a) of the Truth in Lending Act (15 U.S.C. 1606(a)), and including costs and fees incurred in connection with the extension of such credit) that exceeds the lesser of—

“(A) the sum of 15 percent and the yield on United States Treasury securities having a 30-year period of maturity; or

“(B) 36 percent.”.

(b) SUBORDINATION.—Section 510 of title 11, United States Code, is amended by adding at the end the following:

“(d)(1) For the purpose of distribution under this title, an allowed claim arising from a high cost consumer credit transaction shall be subordinated to all other claims.

“(2) Any lien securing a claim subordinated under paragraph (1) shall be transferred to the estate.”.

#### SEC. 3. EXCLUSION.

Section 707(b) of title 11, United States Code, is amended by adding at the end the following:

“(8) Paragraph (2) shall not apply if the debtor’s petition resulted from a high cost consumer credit transaction.”.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 611—EX-PRESSING THE SENSE OF THE SENATE ON THE CRISIS IN ZIMBABWE, AND FOR OTHER PURPOSES

Mr. FEINGOLD (for himself, Mr. ISAKSON, Mr. CARDIN, Mr. HARKIN, Mr. WHITEHOUSE, Mr. KERRY, Mr. NELSON of Florida, Mr. DURBIN, Mrs. BOXER, Mr. LEAHY, Mrs. CLINTON, Mr. SUNUNU, Mr. CHAMBLISS, Ms. SNOWE, Mrs. DOLE, Mr. INHOFE, Mr. SPECTER, Mr. STEVENS, Mr. MARTINEZ, and Mr. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 611

Whereas, over the last eight years, the Zimbabwean African National Union-Patriotic Front (ZANU-PF), led by Robert Mugabe, has increasingly turned to violence and intimidation to maintain power amidst a deteriorating crisis;

Whereas the gross domestic product of Zimbabwe has decreased over 40 percent in the last decade, inflation is estimated by United Nations Deputy Secretary-General Asha-Rose Migiro at over 10,500,000 percent, unemployment is now over 80 percent, and more than 4,000,000 people have fled the country;

Whereas presidential and parliamentary elections were held on March 29, 2008, in Zimbabwe amidst widespread reports of voting irregularities and intimidation in favor of the ruling ZANU-PF party and Robert Mugabe;

Whereas the Zimbabwe Electoral Commission refused to release results, despite calls to do so by the African Union (AU), the European Union (EU), the Republic of South Africa, the Southern African Development Community (SADC), United Nations Secretary-General Ban Ki-Moon, and the United States;

Whereas the official results of the election, announced five weeks later, showed that Robert Mugabe won 43.2 percent of the vote, while Morgan Tsvangirai, leader of the opposition party Movement for Democratic Change (MDC), won 47.9 percent of the vote;

Whereas, in the wake of the elections, Robert Mugabe launched a brutal campaign of state-sponsored violence against opposition members, supporters, and other civilians in an attempt to consolidate his power;

Whereas United States Ambassador to the United Nations Zalmay Khalilzad stated on April 16, 2008, that he was “gravely concerned about the escalating politically motivated violence perpetrated by security forces and ruling party militias”;

Whereas Secretary of State Condoleezza Rice stated on April 17, 2008, that Robert Mugabe has “done more harm to his country than would have been imaginable” and that “the last years have been really an abomination” and called for the AU and SADC to strengthen efforts to achieve a political resolution to the crisis;

Whereas Human Rights Watch reported on April 19, 2008, that the Mugabe regime had developed a network of informal detention centers to intimidate, torture, and detain political opponents;

Whereas the Mugabe regime has, in violation of the Vienna Convention on Diplomatic Relations, done at Vienna April 18, 1961 (23 U.S.T. 3229), harassed United States and other diplomats in retaliation for their repeated protest of recent violence, including by detaining the United States ambassador’s vehicle for several hours on May 13, 2008, and

detaining five United States embassy staff and two local embassy workers on June 5, 1998, one of whom was physically assaulted;

Whereas reports of killings, abductions, beatings, torture, and sexual violence against civilians in Zimbabwe have continued, resulting in some 10,000 people being assaulted and at least 30,000 displaced;

Whereas the MDC and Presidential candidate Tsvangirai withdrew from the June 27, 2008, runoff presidential election, citing intensified political repression and killings of their supporters;

Whereas the Mugabe regime persisted with the runoff election, despite the protest of many leaders in Africa, the EU, SADC, the United Nations Security Council, and the United States Government;

Whereas results from the runoff election unsurprisingly declared Robert Mugabe, the only standing candidate, as the winner with 85 percent of the vote, and he was sworn into office;

Whereas SADC, the Pan-African Parliament, and AU Observer missions to Zimbabwe made statements on June 29 and 30, 2008, finding that the elections fell short of accepted African Union standards, did not give rise to free, fair, or credible elections, and did not reflect the will of the people of Zimbabwe;

Whereas, on June 4, 2008, the Mugabe regime banned the operations of non-governmental organizations in Zimbabwe, including those who provide food and aid to millions of Zimbabweans suffering as the result of a ZANU-PF’s policies, exacerbating the humanitarian crisis and leaving newly displaced victims of political violence without assistance;

Whereas Nelson Mandela has described the situation in Zimbabwe as a “tragic failure of leadership,” while the Government of Botswana has refused to recognize the election outcome as legitimate and has said that representatives of the administration should be excluded from SADC and African Union meetings;

Whereas the African Union passed a resolution on July 1, 2008, expressing concern for the loss of life in Zimbabwe and the need to initiate political dialogue to promote peace, democracy, and reconciliation;

Whereas the MDC reported on July 9, 2008, that 129 of its supporters have been killed since the first round of elections, including 20 since the runoff election, 1,500 of its activists and officials are in detention, and 5,000 are missing or unaccounted for; and

Whereas the Group of Eight (G8) industrialized nations, at their annual summit, issued a joint statement on July 8, 2008, rejecting the June 27, 2008, election and legitimacy of the Mugabe regime, as well as committing to further measures against those responsible for the violence: Now, therefore, be it

*Resolved*, That it is the sense of the Senate—

(1) to support the people of Zimbabwe, who continue to face widespread violence, political repression, a humanitarian emergency, and economic adversity;

(2) to condemn the Mugabe regime for its manipulation of the country’s electoral process, including the March 29, 2008, election and the June 27, 2008, runoff election and the regime’s continued attacks against, and intimidation of, opposition members and supporters and civil society;

(3) to reject the results of the June 27, 2008, presidential runoff election in Zimbabwe as illegitimate because of widespread irregularities, systematic violence by the Mugabe regime, and the boycott of the MDC;

(4) to encourage the President’s continued efforts to tighten and expand sanctions on

those individuals responsible for violations of human and political rights in Zimbabwe;

(5) to applaud the Governments of Benin, Botswana, Liberia, Kenya, Nigeria, Senegal, Sierra Leone, and Zambia for condemning the violent derailment of the runoff election at the African Union summit in Sharm El-Sheikh;

(6) to encourage all members of the United Nations Security Council to vote in favor of the proposed resolution that would authorize a United Nations Special Representative to support the negotiations process, impose an international arms embargo, and strengthen financial penalties on those individuals most responsible for undermining democratic processes;

(7) to encourage the African Union to initiate an inclusive political dialogue between both parties and deploy a protection force to prevent attacks, assist victims, and prevent the security situation from further deteriorating;

(8) to urge leaders in Africa to engage directly in the effort to achieve an expeditious political resolution to the crisis;

(9) to urge the United States Government and the international community to assemble a comprehensive economic and political recovery package for Zimbabwe in the event that a political resolution is reached and a truly democratic government is formed; and

(10) to support a lasting democratic political solution that reflects the will and respects the rights of the people of Zimbabwe, including mechanisms to ensure that future elections are free and fair, in accordance with regional and international standards.

SENATE RESOLUTION 612—EX-PRESSING THE SENSE OF THE SENATE THAT PRESIDENT GEORGE W. BUSH, PRESIDENT DMITRY MEDVEDEV OF THE RUSSIAN FEDERATION, AND OTHER PARTICIPANTS IN THE 2008 GROUP OF EIGHT (G8) SUMMIT IN TOYAKO, HOKKAIDO, JAPAN SHOULD WORK TOGETHER TO FOSTER A MORE CONSTRUCTIVE RELATIONSHIP, AND THAT THE GOVERNMENT OF THE RUSSIAN FEDERATION SHOULD ESCHEW BEHAVIORS THAT ARE INCONSISTENT WITH THE GROUP'S OBJECTIVES OF PROTECTING GLOBAL SECURITY, ECONOMIC STABILITY, AND DEMOCRACY

Mr. BIDEN (for himself, Mr. KERRY, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 612

Whereas the leaders of 6 major industrialized democracies, including France, West Germany, Italy, Japan, the United Kingdom, and the United States, gathered in 1975 for a summit meeting in Rambouillet, France, and for annual meetings thereafter under a rotating presidency known as the Group of Six (G6);

Whereas the G6 was established based on the mutual interest of its members in promoting economic stability, global security, and democracy;

Whereas, in 1976, membership of the G6 was expanded to include Canada;

Whereas the members of the G7 share a commitment to promote security, economic stability, and democracy in their respective nations and around the world;

Whereas Russia was integrated into the G7 in 1998 at the behest of President William Jefferson Clinton following Russian President Boris Yeltsin's decision to pursue reforms and assume a neutral position on the acceptance of additional members into the North Atlantic Treaty Organization (NATO);

Whereas the members of the G8 face common challenges, including climate change, violent extremism, global economic volatility, pandemic disease, nuclear proliferation, and trafficking in narcotics, persons, and weapons of mass destruction;

Whereas President Dmitry Medvedev, Prime Minister Vladimir Putin, and other leaders of the Russian Federation have regularly expressed a desire for the Russian Federation to play a leading role in international affairs;

Whereas the Russian Federation and other members of the international community all stand to benefit if the Russian Federation is an active, constructive partner in addressing the broad range of challenges confronting the global community;

Whereas the Russian Federation has evidenced the capacity and willingness to cooperate with the United States and other nations in the interest of global security in certain areas pertaining to arms control and weapons proliferation, notably through its participation in the Six-Party Talks regarding North Korea and its support of the incentives package offered by leading countries to Iran if that country would suspend its uranium enrichment program;

Whereas the United States and Russia have safely deactivated and destroyed thousands of nuclear, chemical, and biological weapons and provided upgraded storage and transportation of nuclear materials through the Nunn-Lugar program;

Whereas the United States and other countries participating in the June 2002 G8 Summit in Kananaskis, Canada agreed to raise up to \$20,000,000,000 over 10 years to support nonproliferation projects in Russia and other nations through the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction;

Whereas participants in the July 2006 G8 Summit in St. Petersburg, Russia launched the Global Initiative to Combat Nuclear Terrorism to improve the physical protection of nuclear materials, suppress illicit trafficking of such materials, and bolster the capacity of willing partner nations to respond to acts of nuclear terrorism;

Whereas the United States and the Government of the Russian Federation pledged in the April 2008 Sochi Strategic Framework Declaration to negotiate a "legally binding post-START arrangement" for the purposes of extending provisions of the 1991 Strategic Arms Reduction Treaty;

Whereas, notwithstanding these successes, the potential for collaboration between the United States and the Government of Russian Federation has been seriously undermined by the manner in which the leaders of the Russian Federation have conducted aspects of Russia's foreign policy;

Whereas the Government of the Russian Federation has unilaterally suspended implementation of the 1991 Treaty on Conventional Armed Forces in Europe (CFE Treaty) and has yet to fulfill its commitment to withdraw Russian forces from Georgia and Moldova pursuant to the 1999 Istanbul Summit Declaration of the Organization for Security and Cooperation in Europe;

Whereas the CFE Treaty has played a key role in enhancing the stability of the Euro-Atlantic region;

Whereas the Adapted CFE Treaty, which will not enter into force until the Russian Federation fulfills commitments made at the Istanbul Summit, will provide greater flexi-

bility for the Russian Federation in return for improved transparency and verification;

Whereas the Government of the Russian Federation has attempted to undermine the territorial integrity of the Republic of Georgia through its support of the breakaway provinces of South Ossetia and Abkhazia;

Whereas the United Nations Observer Mission in Georgia has concluded that a military aircraft belonging to the Russian Federation shot down an unarmed Georgian drone on April 20, 2008, while flying over Abkhazia;

Whereas the conduct of Russian trade and energy policy has created a widespread perception that the Government of the Russian Federation is using oil and gas exports and economic policy as a means of political pressure on countries that seek closer ties with the United States and Euro-Atlantic partners;

Whereas the behavior of the Russian Federation as it relates to several neighboring countries has contributed to the erosion of regional peace and security;

Whereas such actions are inconsistent with the G8's objectives of protecting global security, economic stability, and democracy, hinder cooperation with the Government of the Russian Federation, and undermine the standing of the Russian Federation as a respected member of the international community;

Whereas there has been considerable disagreement between the Government of the United States and the Government of the Russian Federation regarding proposals to place ballistic missile defense interceptor and radar sites in Poland and the Czech Republic, respectively;

Whereas certain developments inside the Russian Federation and the Russian Government's conduct of domestic policy have undermined confidence in the Russian Federation's ability and capability to serve as a full partner in the work of the international community;

Whereas the Department of State's Country Report on Human Rights Practices for 2007 stated that, in Russia, "continuing centralization of power in the executive branch, a compliant State Duma, corruption and selectivity in enforcement of the law, media restrictions, and harassment of some NGOs eroded the government's accountability to its citizens.;"

Whereas, in June 2008, a report released by Human Rights Watch concluded that Russian "law enforcement and security forces involved in counterinsurgency [in the North Caucasus] have committed dozens of extrajudicial executions, summary and arbitrary detentions, and acts of torture and cruel, inhuman or degrading treatment";

Whereas the Government of the Russian Federation has failed to successfully prosecute individuals responsible for the murder of critics of the Kremlin, including journalist Anna Politkovskaya and Alexander Litvinenko;

Whereas the 2008 Annual Report of Reporters without Borders noted a sharp increase in government pressure on the independent media in Russia, reporting that at least 2 journalists were forcibly sent to psychiatric hospitals in 2007 and others were badly beaten or kidnapped prior to the local and parliamentary elections in 2007;

Whereas Transparency International ranked Russia 143 out of 179 countries for perceived corruption in 2007;

Whereas there is increasing concern about violent nationalism and xenophobia in the Russian Federation and the 2008 Annual Report of the United States Commission on International Religious Freedom reports that there has been a "sharp rise in violent