

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