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No. 65

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
April 30, 2009.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Sustain in Your people, Lord, the song of Your freedom. Let the new life of spring touch the soul of this Nation and strengthen the arm of Congress, that renewed in spirit we may build a mighty defense against all evil forces and any disease which seeks to weaken the health of Your people.

Unite our resources in every effort to confront what is destructive, and at the same time, make us creative to face the issues of a new day, that we may give You glory in the sight of the nations both now and forever.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentleman from New York (Mr. HALL)

come forward and lead the House in the Pledge of Allegiance.

Mr. HALL of New York 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.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### CREDIT CARDHOLDERS' BILL OF RIGHTS ACT

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

Mr. HALL of New York. Madam Speaker, I rise today in support of the Credit Cardholders' Bill of Rights. It's about time that we passed legislation to protect consumers from the abusive practices of credit card companies. Consumers have paid the price for a lack of regulation with excessive fees, sky-high interest rates and unfair, incomprehensible agreements that credit card companies revise at will.

The Credit Cardholders' Bill of Rights will end these practices, leveling the playing field for people who play by the rules. It requires credit card companies to give cardholders advance notice of an interest rate hike; it ends tricks and traps that make cardholders incur rate hikes and unreasonable fees, and it shields cardholders from misleading terms while protecting vulnerable consumers from fee-heavy subprime cards.

Today's Credit Cardholders' Bill of Rights will help families and small businesses in the Hudson Valley and across the Nation. I urge its passage.

### THE FIRST 100 DAYS

(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, yesterday marked President Obama's 100th day in office. In that short time, the Obama administration has managed to launch a war on critical pro-life and pro-family policies. As a result, foreign organizations that promote and perform abortions are eligible for U.S. taxpayer family planning money that has been increased to \$545 million a year this year.

Life-destroying research will be eligible for more taxpayer dollars. Medical professionals' rights to practice according to their consciences will be under threat. Foreign organizations will be allowed to receive Federal tax dollars despite support for coercive abortion policies like forced abortion, forced sterilization, and the UNFPA in China. Contentious organizations like Planned Parenthood will be granted massive amounts of hardworking American tax dollars.

Such actions certainly contradict the President's pledge to find common ground with pro-life Americans. As the old adage goes, "Actions speak louder than words." Yesterday was a sad day for America's unborn and for those who would like to protect them.

### CREDIT CARDHOLDERS' BILL OF RIGHTS ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Madam Speaker, enough is enough. Today, I rise to add my appreciation to Carolyn Maloney and to all of those who finally got it all in place to be able to say "no" to the credit card abuses that have been abusing Americans on a constant basis.

□ 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.



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H5001

H.R. 627, the Credit Cardholders' Bill of Rights, is imperative to be passed today. It ends unfair, arbitrary interest rate increases, and lets consumers set hard credit limits. It stops excessive over-the-limit fees, ends unfair penalties for cardholders who pay on time, requires the fair allocation of consumer payments, protects cardholders from due-date gimmicks. As well, it has amendments that will stop the proliferating and the sale of credit cards to college students.

Can you imagine having a credit card and having a contract, and all of a sudden, like an adjustable rate, your rate spikes up without any knowledge and without any notice? It stops the small print where they can say all manner of things and never, never get the truth told.

Thank you for H.R. 627.

#### A COLOMBIA FREE TRADE AGREEMENT

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

Mr. PAULSEN. Madam Speaker, more markets for our products mean more jobs for Minnesotans and for all Americans. That's why I was pleased that President Obama recently directed the U.S. Trade Representative to work through any outstanding issues so that we can move forward with a Colombia Free Trade Agreement. The President is right: more open trade is a win-win for both countries, and we need bipartisan action to pass this trade agreement, but Congress' lack of action has harmed U.S. interests, and it has given a competitive advantage to other countries.

How can American businesses compete when the European Union, Canada, China, and Latin America countries have better access to the Colombian market?

Over 80 percent of U.S. exports of consumer and industrial products would become duty free immediately, but instead, Congress' inaction has cost U.S. exporters more than \$1.5 billion in tariffs to Colombia.

Madam Speaker, let's do what is right and quickly pass the U.S.-Colombia Free Trade Agreement.

#### HONORING THE LIFE AND SERVICE OF EVA A. VALENTINE

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

Mr. HARE. Madam Speaker, I rise today to honor the life and service of Ms. Eva A. Valentine of Rock Island, Illinois. On March 27, 2009, Eva passed away at the age of 87, surrounded by loving family, friends and neighbors.

Eva was a devoted mother, wife, and was an active member of the Rock Island community. She participated in the American Legion Post 246 Auxiliary and the Moline Croatian Crest Club. She also devoted many hours to

St. Mary's Catholic Church and to the Altar Society.

I had the pleasure of knowing Eva as the mother of my friend, Wayne Valentine. I have many fond memories of Eva as Wayne and I grew up together. She was a reliable source of support, and she helped me become the person that I am today. I owe Eva my thanks and my gratitude.

Eva will be dearly missed by her husband, John, by her son, Wayne, by numerous nieces, nephews, friends, and by the Rock Island community. As we celebrate and remember her long life, we are reminded of the important influence Eva was and will continue to be in our lives.

Madam Speaker, I ask that my colleagues join me today in honoring the life of Ms. Eva A. Valentine.

#### BORDER MONEY GOING TO WRONG PLACES

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

Mr. POE of Texas. Madam Speaker, Homeland Security is going to spend \$740 million to beef up legal ports of entry into the United States. We absolutely need more border security. The problem is the bureaucrats who have probably never been to either of our borders are sending most of that money to little-used crossings, including one that just handles two cars and sees only four people a day. Many of these 37 crossings that are getting money average merely 50 cars and 85 people a day.

Contrast that with the Laredo-Nuevo Laredo legal crossing. It is receiving no additional money, and it is the largest legal port of entry in North America. It is vital to U.S.-Mexico trade. Over 7,000 18-wheelers a day cross that border in each direction. Trucks wait 2 hours to come into the United States. The vast majority of these trucks are not screened due to manpower and money issues.

Why not close the little used ports of entry that are now receiving most of the money and send the border agents where they could do some real good, to the port of entry where people and vehicles actually cross? But that would be too logical for the D.C. bureaucrats.

And that's just the way it is.

#### CREDIT CARDHOLDERS' BILL OF RIGHTS ACT

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute.)

Mrs. DAHLKEMPER. Madam Speaker, I rise today to express my strong support for H.R. 627, the Credit Cardholders' Bill of Rights.

As I've traveled across my district in western Pennsylvania, I've seen firsthand how abusive credit card practices can devastate families throughout this country, especially during this recession. The time has come to end the un-

fair, deceptive, and anticompetitive practices by credit card companies. These include soaring fees, arbitrary interest rate hikes, due-date gimmicks, and the incomprehensible credit card contracts that all Americans are familiar with.

The Credit Cardholders' Bill of Rights offers an important opportunity to protect consumers from these practices, and this legislation can't come soon enough. With consumer credit card debt approaching \$1 trillion, we cannot wait any longer to hold credit card companies accountable and to give American cardholders more control over their credit limits. That's why I urge my colleagues to act today and join me in passing the Credit Cardholders' Bill of Rights.

#### THE 34TH ANNIVERSARY OF THE FALL OF SAIGON

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

Mr. CAO. Madam Speaker, on April 28, 1975, an 8-year-old boy was rushed into an American C-130 to seek freedom in a foreign land. Two days later, on April 30, the Communist forces rumbled into Saigon and marked the beginning of one of the darkest periods in the long and illustrious history of Vietnam.

Immediately following April 30, the Communist government initiated one of the most horrific cultural and political cleansings of our time. Hundreds of thousands of religious, political, and military leaders were thrown into re-education camps. Approximately 300,000 people died at sea while fleeing the horrors of this regime; and of those who remained, thousands more died from famine.

Madam Speaker, today marks the 34th anniversary of that dark day in April when Saigon fell. The 8-year-old boy of whom I spoke now stands before you. I, on behalf of the 1.5 million Vietnamese living in the United States, take this opportunity to remember all who perished in the Vietnam conflict.

I urge my colleagues to work with the Vietnamese communities around the world to promote a free and democratic Vietnam.

#### MACKENZIE BROWN

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

Mr. SIRES. Madam Speaker, in February, the House passed a resolution supporting the goals of National Girls and Women in Sports Day.

National Girls and Women in Sports Day works to celebrate female athletes' achievements, to acknowledge the positive influence of sports participation in women's lives, and to urge equality and access for women in sports.

On April 21, 2009, Mackenzie Brown, a sixth grade Little League pitcher from

Bayonne, New Jersey, in my district, threw a perfect game. Throwing fast balls and change-ups, she struck out 18 batters. All of them were boys.

Mackenzie is the first girl in the city's history to throw a perfect game. Her achievement was so impressive that she was asked to throw the ceremonial first pitch before the Mets game against the Washington Nationals at Citi Field.

Mackenzie also excels in the classroom. She has consistently been an honor roll student at Henry E. Harris School in Bayonne. Mackenzie's achievements exemplify the important and beneficial role that sports can play in girls' lives. She is an inspiration to many, and I want to congratulate her and her family. I look forward to her many future successes on and off the field.

#### TRIBUTE TO FLOYD LAWSON

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

Mr. ADERHOLT. Madam Speaker, I rise today to congratulate, pay tribute and honor a great American patriot and educator on his 90th birthday.

Floyd Lawson was born on April 25, 1919, to Luther Franklin and Mary Emily Ingle Lawson. He grew up in Winston County, Alabama and graduated from Lynn High School. He then went on to attend college on a scholarship in Missouri.

When World War II broke out, he gave up his scholarship and draft deferment and returned to Winston County, Alabama to enlist in the United States Army where he served in the U.S. Army Air Force for more than 4 years. He spent most of his time on the staff of the general commander of the Canal Zone. He is the third great grandson of Paul Ingle, who served in the Revolutionary War.

After his military duties, he pursued his education at the University of Alabama where he received a B.S., a master's degree and all classroom studies for his Ph.D. He received his LLB degree from the Blackstone School of Law in 1957. Floyd's career led him to teach at Tuscaloosa High School, the University of Alabama, Walker County High School, Walker College, and at the State of Alabama Department of Education.

He married his high school sweetheart, Modine West, and they have two wonderful daughters, Emma Lil and Melissa. They have five lovely grandchildren and two great grandsons.

After Modine's death, Floyd met and married the next love of his life, Dorothy Jane Strong Abbott. They have lived for the past 22 years in Cullman, Alabama, where they both work as a team in community, civic, and political affairs.

I'm thankful to know Floyd Lawson and to know that he is my friend. I'm looking forward to having the benefit of his wise counsel for many years to

come. I wish him a very happy birthday.

□ 1015

#### PROVIDING FOR CONSIDERATION OF H.R. 627, CREDIT CARD-HOLDERS' BILL OF RIGHTS ACT OF 2009

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 379 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 379

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union 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. No general debate shall be in order pursuant to this resolution. The bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. PERLMUTTER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS).

GENERAL LEAVE

Mr. PERLMUTTER. I ask unanimous consent that all Members be given 5 legislative days in which to revise and

extend their remarks on House Resolution 379.

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

There was no objection.

Mr. PERLMUTTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 379 provides for consideration of H.R. 627, the Credit Cardholders' Bill of Rights Act. On a regular basis, constituents of mine from Colorado contact me in disappointment with stories about actions taken by their credit card companies. Hardworking Americans who make payments on time, have good credit, and live within their means see their rates increase without notice and without cause.

In a time when many Americans are struggling to pay their mortgage, when health care costs are increasing and many are out of work, unfair credit card practices threaten many families. Americans deserve a fair shake. They deserve transparency and not smoke and mirrors. They deserve reliability and not chaos within their statements.

The bill brought to us today by Congressman GUTIERREZ and Congresswoman MALONEY, the Credit Cardholders' Bill of Rights Act, gives consumers a fair deal. Prior to 1990, credit cards had more or less standardized rates—around 20 percent—few fees, and they were generally offered to persons with high credit standards.

However, since 1990, card issuers have adopted risk-based pricing, and as a result of this new pricing structure, rates have increased and fees have increased dramatically. Today's credit cards feature a wide variety of interest rates that reflect a complex list of factors. The terms of most agreements have become so complicated, consumers don't know what they are getting into when they sign on to a credit card agreement. Most, if not all, agreements allow the issuer to change the interest rate or other terms of agreement at any time for any reason.

For example, there is something called "universal default" in most credit card agreements. Universal default allows the credit card company to change the rate or change the terms of the credit card agreement for something completely unrelated to the credit card. That's got to stop.

There are also practices which allow for credit card companies to apply payments to the lowest rate of interest, not the highest rate of interest, so that amounts continue to grow under the credit card agreements. There are things including double billing cycles so you think that you have paid off a substantial portion of the credit card but, in fact, you continue to get interest charged against the amount you already paid off.

These are excessive practices, and they must be changed.

Under H.R. 627, issuers can only raise interest rates for the reasons provided within the legislation as proposed.

Madam Speaker, the American people have spoken. Too many stories have been told, and I think everybody in this Chamber—and certainly in the many hearings that we had in Financial Services—all had individual stories about credit cards and excessive practices. Americans are tired of opening their monthly credit card bill and noticing that their interest rate has jumped from 8 percent to 15 percent for no reason. H.R. 627 establishes responsible regulation within an industry which has taken advantage of many vulnerable Americans.

Finally, I want to note the careful balance this bill takes. We have had over a half dozen hearings on this bill alone. It's the product of years of meetings and hearings and conversations and input from all interested parties and roughly 60,000 public comments. This bill provides the fairness Americans have asked for from their credit card companies.

I urge my colleagues to vote in favor of the rule and the underlying bill.

With that, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I rise today in opposition to this rule and to the underlying legislation.

This structured rule does not call for the open and honest debate that has been promised by my Democratic colleagues time after time.

Today's action by my friends on the other side of the aisle is another example of the Federal Government overstepping its boundaries into the private marketplace. And I think it's important for us to note that people who get credit cards get this as an extension of their opportunity and their credit, and they have a responsibility when they sign a contract to live up to that responsibility. It is not a right that is being extended, I believe, today for us to go into the free market and to tinker with on a Federal basis what is a right that is reserved to the States today. We disagree with what is happening today.

Not even 6 months ago, Madam Speaker, the Federal Reserve passed new credit card rules that would protect consumers and provide for more transparency and accountability in the marketplace. These new regulations are set to take effect in July 2010, an agreed-upon date to ensure the necessary time for banks and credit card companies to make crucial and critical adjustments to their business practices without making mistakes and without harming consumers.

Part of what the gentleman from Colorado just described, some of the 60,000 letters of feedback to the industry, took place in that regard. It took place to the Federal Reserve taking information, working with credit card consumer groups to try and alleviate problems or perceived problems in the marketplace. However, with the growing Federal deficit, the current economic crisis, and the growing number of unemployed people, I would simply ask

why is Congress passing legislation that already exists? Let's give those statutes and those rules and regulations which are going to be in place time to work.

This legislation allows for the Federal Government to micromanage the way credit card companies and the banking industry does its business. Those hearings have already been held. Decisions have already been made by the Fed. Decisions with credit card companies and consumer groups to understand what changes needed to be made, they've already happened.

If enacted into law, it is not credit card companies that will suffer. It will be every single person that has a credit card and for those who even want to have a credit card in the future. Every American will see an increase in their interest rates, and some of the current benefits that encourage responsible lending will most likely disappear. For example, cash advances, over-the-limit protection, would be just one example.

My friends on the other side of the aisle not only remove any incentive for using credit cards responsibly, but they punish those managing their credit responsibly to subsidize those who are irresponsible. Madam Speaker, the Democrats also want to limit the amount of credit that is available to the middle class and low-income individuals. The very Americans that take the most advantage of credit will be harmed by what we're doing here today.

This legislation prevents credit history from being used to price risk, as an example, meaning that some individuals may not now be able to get a credit card, especially if they are lower-income or they have blemished credit histories or are trying to establish credit for the first time, like college students.

Additionally, the strain of this legislation could have a direct and adverse effect on small businesses which use this credit, especially in times like these where economic and job growth in this country are threatened. For individuals starting in a small business, this legislation means increased interest rates, reduced benefit, and shrinks the availability of credit, potentially limiting their options to even succeed in the marketplace.

Meredith Whitney, a prominent banking analyst, in speaking as a result of this legislation, remarked in *The Wall Street Journal* that she expects a \$2.7 trillion decrease in credit by the end of 2010 out of the current \$5 trillion credit line available in this country.

Madam Speaker, at a time when we're in economic downturns, the option of credit that is available for people—notwithstanding that they may have to pay a little bit more but will have the flexibility to have that credit—is important.

In the current state of our economy, we urgently would say we need to increase liquidity and lower the cost of

credit to stimulate more lending—not raise rates and reduce the availability of credit.

□ 1030

This is not a solution for the ailing economy.

This type of government control of private markets is really what my Democrat colleagues and this new administration have been exploring for quite some time. Whether it is federalizing our banks, federalizing our credit market, federalizing our health care system, federalizing the energy sector, this is what this new administration and my friends in the majority party wish to do.

That said, this administration has taken their power grab a step further, first of all, in this legislation, to write contracts, to hire and fire executives, and to guarantee muffler warranties. They won't let banks pay back their loans. And now they are plotting a hostile takeover of the financial services industry, converting preferred shares into common equity shares, a drastic shift towards a government strategy of long-term ownership and involvement in some of our banks.

Millions of Americans are outraged at the mismanagement of TARP and the reckless use of their tax dollars, and I believe that taxpayers are increasingly uneasy with the Federal Government's growing involvement in financial markets that we see on the floor today.

In an effort to provide more protections to consumers and to taxpayers, I offered an amendment yesterday in the Rules Committee—a Rules Committee of which I have served for 11 years—that was defeated by a party-line vote of 7-3.

Madam Speaker, I would like to insert in the CONGRESSIONAL RECORD a copy of that amendment.

AMENDMENT TO H.R. 627, AS REPORTED

OFFERED BY MR. SESSIONS OF TEXAS

Add at the end the following new section:

**SEC. 11. PROHIBITION ON THE USE OF TARP FUNDS TO PURCHASE COMMON STOCK.**

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201) is amended by adding at the end the following new section:

**“SEC. 137. PROHIBITION ON PURCHASE OF COMMON STOCK.**

“Notwithstanding any other provision of this title, the Secretary may not, under the TARP—

“(1) purchase common stock of any financial institution; or

“(2) convert any warrant, preferred stock, or other security purchased by the Secretary under the TARP into common stock of any financial institution.”.

This amendment would prohibit the Treasury Department from swapping its preferred stock for common stock. The amendment would protect taxpayers, and also keep the Federal Government from engaging itself in the nationalization of our banks.

To preempt the de facto naturalization of our financial systems, on February 3, 2009, the House Republican

leadership, including myself, sent a letter to Secretary Geithner regarding what was referred to as the “range of options” this administration was considering in managing the \$700 billion of taxpayer monies.

Madam Speaker, I would like to insert into the CONGRESSIONAL RECORD a copy of this letter.

CONGRESS OF THE UNITED STATES,  
Washington, DC, February 3, 2009.

Hon. TIMOTHY F. GEITHNER,  
Secretary, Department of the Treasury,  
Washington, DC.

DEAR SECRETARY GEITHNER: Recent reports indicate that the Administration is considering a “range of options” for spending the second tranche of the Troubled Asset Relief Program (TARP) released last week and that the Administration is considering whether to ask the Congress for new and additional TARP funds beyond the \$700 billion already provided. We are writing to raise serious questions about the efficacy of the options being considered and to ask whether the Administration is developing a strategy to exit the bailout business.

Because the Administration has committed itself to assisting the auto industry, satisfying commitments made by the previous Administration, and devoting up to \$100 billion to mitigate mortgage foreclosures, it has been reported that President Obama might need more than the \$700 billion authorized by the Emergency Economic Stabilization Act (“EESA”) to fund a “bad bank” to absorb hard-to-value toxic assets. In light of these commitments—which come at a time when the Federal Reserve is flooding the financial system with trillions of dollars and the Congress is finalizing a fiscal stimulus that is expected to cost taxpayers more than \$1.1 trillion—it is not surprising that the American people are asking where it all ends, and whether anyone in Washington is looking out for their wallets.

Indeed, a bipartisan majority of the House—171 Republicans and 99 Democrats—recently expressed the same concerns, voting to disapprove releasing the final \$350 billion from the TARP. As we noted in our December 2, 2008 letter to then-Secretary Paulson and Chairman Bernanke, we realize that changing conditions require agility in developing responses. However, the seemingly ad hoc implementation of TARP has led many to wonder if uncertainty is being added to markets at precisely the time when they are desperately seeking a sense of direction. It has also intensified widespread skepticism about TARP among taxpayers, and prompted misgivings even among some who originally greeted the demands for the program’s creation with an open mind. Accordingly, we request answers to the following questions:

1. How does the Administration plan to maximize taxpayer value and guarantee the most effective distribution of the remaining \$350 billion of TARP funds?
2. How is the Administration lending, assessing risk, selecting institutions for assistance, and determining expectations for repayment?
3. Will the Administration opt for a complex “bad bank” rescue plan? How can the “bad bank” efficiently price assets and minimize taxpayer risk? Will financial institutions be required to give substantial ownership stakes to the Federal government to participate in the program?
4. Is a “bad bank” plan an intermediate step that leads to nationalizing America’s banks?
5. Can you elaborate on your plans for the use of an insurance program for toxic assets? Specifically, will you seek to price insurance

programs to ensure that taxpayer interests are protected? If so, how will you do so?

6. What is the exit strategy for the government’s sweeping involvement in the financial markets?

Thank you for your consideration of these important questions.

Sincerely,

John Boehner, Mike Pence, Cathy McMorris-Rodgers, Roy Blunt, Eric Cantor, Thaddeus McCotter, Pete Sessions, David Dreier, Kevin McCarthy, Spencer Bachus.

The letter outlined a host of questions that dealt with ensuring that taxpayers were paid back and an exit strategy for the government’s sweeping involvement in the financial markets. Today is April 30, and almost 2 months later we have not received a response. I am on the floor today asking that Secretary Geithner please respond back to this letter that is over 60 days old.

Last week, the Special Inspector General for the Troubled Asset Relief Program, TARP, published a report that reveals at least 20 criminal cases of fraud in the bailout program and determined that new actions by President Obama’s administration are “greatly increasing taxpayer exposure to losses with no corresponding increase in potential profits.”

This administration is not above oversight and accountability. We are asking for the Secretary to do what my colleagues in the majority asked of George Bush, please provide in writing that accountability, notifying this Congress what we can count on and what the exit strategy would be. The American people deserve answers for their use of tax dollars and an exit strategy for taxpayer-funded bailouts, including how their investment in TARP will be used. That is why I sent yet another letter to Secretary Geithner, as it neared the 60-day mark, expressing grave concern to the new reports of Treasury moving taxpayer dollars into riskier investments in the banking structure.

Madam Speaker, I would also like to insert this letter into the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES,  
Washington DC, April 23, 2009.

Hon. TIMOTHY GEITHNER,  
Secretary, Department of the Treasury,  
Washington, DC.

DEAR SECRETARY GEITHNER: I am greatly concerned by recent news reports that the Administration is considering converting the government’s preferred stock in some of our nation’s largest banks—investments acquired through the TARP program—into common equity shares in these publicly-held companies.

As you are aware, these investments were originally made to their recipients at fixed rates for a fixed period of time—signaling that their intent was to provide these banks with short-term capital for the purpose of improving our financial system’s overall position during a time of crisis. Converting these shares into common equity, however, signals a drastic shift away from the Administration’s original purpose for these investments to a new strategy of long-term ownership of and involvement in these companies.

I am concerned that converting these preferred shares into common equity would

have two serious and negative effects. First, it would bring the banks whose shares are converted closer to de facto nationalization by creating the potential for the government to play an increasingly activist role in their day-to-day operations and management.

Second, I am concerned that moving these investments further down the bank’s capital structure into a riskier position puts American taxpayer dollars at increased risk of being lost in the event of a recipient’s insolvency.

To date, no Administration official has provided the House Republican Leadership with any comprehensive answers to the serious questions raised in our February 2, 2009 letter to you about the Administration’s exit strategy for the government’s growing involvement in the financial markets.

In absence of the Administration’s response to that letter, I would appreciate your prompt assurance that converting these preferred shares to common equity—thereby taking these companies closer to nationalization and putting taxpayers’ money at increased risk—is not a part of the Administration’s yet-to-be-articulated strategy on getting out of the bailout business.

Thank you in advance for your prompt attention to this issue of critical importance to me, the residents of Texas’ 32nd District and the entire taxpaying American public. If you have any questions regarding this letter, please feel free to have your staff contact my Chief of Staff Josh Saltzman.

Sincerely,

PETE SESSIONS,  
Member of Congress.

As this Democrat majority continues to tax, borrow, and spend Americans’ hard-earned tax dollars, we move closer and closer to nationalizing our banking and credit systems that will only deepen our current economic struggle.

The Federal Government is interfering and hindering our progress, not helping it. When Congress or the administration changes the rules, it should be in the best interests of the American public and the taxpayer. By not making my amendment in order today, I can say that this Congress has turned its back on what I believe is responsible public policy to say that this Federal Government should not invest in the free enterprise system.

Madam Speaker, it is appropriate to consider new ways to protect credit consumers from unfair and deceptive practices and to ensure that Americans receive useful and complete disclosures about the terms and conditions. But in doing so, we must make sure that we do nothing to make credit cards more expensive for those who use credit responsibly, or to cut off or hinder access to credit for small businesses who count on this credit, but perhaps those with less than perfect credit histories.

While reading The Wall Street Journal last week, I came across an op-ed called “Political Credit Cards,” discussing this very issue. It states, “Our politicians spend half their time berating banks for offering too much credit on too easy terms and the other half berating banks for handing out too little credit at a high price. The bankers should tell the President that they need to start getting out of the business, and that Washington should quit changing the rules.” This speaks to

what happened with TARP. It also speaks clearly to health care, welfare, taxes, and this underlying legislation today. Madam Speaker, the American people deserve better from their elected officials.

I would also note that I thought it was interesting that this new Democrat majority, just this week, as we passed what I consider to be an irresponsible \$3.5 trillion new budget, the very next vote was on encouraging Americans to understand financial security and integrity. I think Congress could use a little bit of what it hands out to study for itself and to gain the discipline to understand that the free enterprise system works best when we leave it alone.

Madam Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. I appreciate my friend from Texas complaining about every issue facing America today, but the issue in front of Congress today deals with the Credit Cardholders' Bill of Rights. That is the purpose we are here for this morning, that is the purpose of the rule.

I would agree with my friend from Texas, as he discussed the Federal Reserve and the comment taking that it has made and the rules that it has promulgated, but for the actions taken by Congresswoman CAROLYN MALONEY and Congressman LUIS GUTIERREZ, there would have been no movement. That whole credit card effort by the Federal Reserve took years and years. It was stalled. And thank goodness action was taken by those two legislators in moving this forward.

This bill needs to move forward. People in America expect to be treated properly and fairly in their financial dealings, and that is the purpose of this legislation.

With that, I yield 2 minutes to my friend from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Thank you, Congressman PERLMUTTER.

I rise in strong support of the rule for supporting the Credit Cardholders' Bill of Rights.

In these difficult economic times, all credit cardholders across the country should ask themselves, whose side are we on? Are we on the side of ordinary people? Are we on the side of consumers who are working hard to pay their bills every month? Or are we sitting in the boardroom of the big banks? Whose side are we on?

We must protect the hardworking taxpayers everywhere in this country. I am working hard for the families of northeast Wisconsin, who I have the honor of representing. For too long, consumers everywhere, including Wisconsin, have been victimized by high fees, by increasing interest rates, and confusing credit card agreements that have allowed banks to jack up interest rates at their own pleasure and at consumers' expense.

The Credit Cardholders' Bill of Rights will protect everyone from unfair and abusive practices. In short, it

will prevent companies from constantly moving the goalpost and taking advantage of people who haven't done anything wrong.

You know, when I grew up in northeast Wisconsin, on the playground we used to call this changing of the rules and interest rates, we used to call that "party shop" rules. If you work hard and play by the rules, you should be able to get ahead and receive credit at a price we can afford to pay.

For these reasons, I urge my colleagues to support this rule and pass the Credit Cardholders' Bill of Rights. And someday soon, I hope we will also bring fairness to the merchants who suffer from excessive bank interchange fees, which is not yet part of this legislation.

Mr. SESSIONS. Madam Speaker, I referred to an article in *The Wall Street Journal* on March 10 of this year by Meredith Whitney. I would like to insert that into the RECORD, also.

[From the *Wall Street Journal*, Mar. 10, 2009]  
CREDIT CARDS ARE THE NEXT CREDIT CRUNCH  
(By Meredith Whitney)

Few doubt the importance of consumer spending to the U.S. economy and its multiplier effect on the global economy, but what is under-appreciated is the role of credit-card availability in that spending. Currently, there is roughly \$5 trillion in credit-card lines outstanding in the U.S., and a little more than \$800 billion is currently drawn upon. While those numbers look small relative to total mortgage debt of over \$10.5 trillion, credit-card debt is revolving and accordingly being paid off and drawn down over and over, creating a critical role in commerce in America.

Just six months ago, I estimated that at least \$2 trillion of available credit-card lines would be expunged from the system by the end of 2010. However, today, that estimate now looks optimistic, as available lines were reduced by nearly \$500 billion in the fourth quarter of 2008 alone. My revised estimates are that over \$2 trillion of credit-card lines will be cut inside of 2009, and \$2.7 trillion by the end of 2010. Inevitably, credit lines will continue to be reduced across the system, but the velocity at which it is already occurring and will continue to occur will result in unintended consequences for consumer confidence, spending and the overall economy. Lenders, regulators and politicians need to show thoughtful leadership now on this issue in order to derail what I believe will be at least a 57% contraction in credit-card lines.

There are several factors that are playing into this swift contraction in credit well beyond the scope of the current credit market disruption. First, the very foundation of credit-card lending over the past 15 years has been misguided. In order to facilitate national expansion and vast pools of consumer loans, lenders became overly reliant on FICO scores that have borne out to be simply unreliable. Further, the bulk of credit lines were extended during a time when unemployment averaged well below 6%. Overly optimistic underwriting standards made more borrowers appear creditworthy. As we return to more realistic underwriting standards, certain borrowers will no longer appear worth the risk, and therefore lines will continue to be pulled from those borrowers.

Second, home price depreciation has been a more reliable determinant of consumer behavior than FICO scores. Hence, lenders have reduced credit lines based upon "zip codes," or where home price depreciation has been

most acute. Such a strategy carries the obvious hazard of putting good customers in more vulnerable liquidity positions simply because they live in a higher risk zip code. With this, frequency of default is increased. In other words, as lines are pulled and borrowing capacity is reduced, paying borrowers are pushed into vulnerable financial positions along with nonpaying borrowers, and therefore a greater number of defaults in fact occur.

Third, credit-card lenders are currently playing a game of "hot potato," in which no one wants to be the last one holding an open credit-card line to an individual or business. While a mortgage loan is largely a "monogamous" relationship between borrower and lender, an individual has multiple relationships with credit-card providers. Thus, as lines are cut, risk exposure increases to the remaining lender with the biggest line outstanding.

Here, such a negative spiral strategy necessitates immediate action. Currently five lenders dominate two thirds of the market. These lenders need to work together to protect one another and preserve credit lines to able paying borrowers by setting consortium guidelines on credit. We, as Americans, are all in the same soup here, and desperate times are requiring of radical and cooperative measures.

And fourth, along with many important and necessary mandates regarding fairness to consumers, impending changes to Unfair and Deceptive Acts or Practices (UDAP) regulations risk the very real unintended consequence of cutting off vast amounts of credit to consumers. Specifically, the new UDAP provisions would restrict repricing of risk, which could in turn restrict the availability of credit. If a lender cannot reprice for changing risk on an unsecured loan, the lender simply will not make the loan. This proposal is set to be effective by mid-2010, but talk now is of accelerating its adoption date. Politicians and regulators need to seriously consider what unintended consequences could occur from the implementation of this proposal in current form. Short of the U.S. government becoming a direct credit-card lender, invariably credit will come out of the system.

Over the past 20 years, Americans have also grown to use their credit card as a cash-flow management tool. For example, 90% of credit-card users revolve a balance (i.e., don't pay it off in full) at least once a year, and over 45% of credit-card users revolve every month. Undeniably, consumers look at their unused credit balances as a "what if" reserve. "What if my kid needs braces? "What if my dog gets sick? "What if I lose one of my jobs? This unused credit portion has grown to be relied on as a source of liquidity and a liquidity management tool for many U.S. consumers. In fact, a relatively small portion of U.S. consumers have actually maxed out their credit cards, and most currently have ample room to spare on their unused credit lines. For example, the industry credit line utilization rate (or percentage of total credit lines outstanding drawn upon) was just 17% at the end of 2008. However, this is in the process of changing dramatically.

Without doubt, credit was extended too freely over the past 15 years, and a rationalization of lending is unavoidable. What is avoidable, however, is taking credit away from people who have the ability to pay their bills. If credit is taken away from what otherwise is an able borrower, that borrower's financial position weakens considerably. With two-thirds of the U.S. economy dependent upon consumer spending, we should tread carefully and act collectively.

Essentially what this person is arguing, a person who looks at the markets

every day, credit in this country, and I quote from this, "Currently, there is roughly \$5 trillion in credit card lines outstanding in the United States, and a little bit more than \$800 billion is currently drawn upon."

What we are saying is that people do have the ability to utilize more of their credit with credit cards. And I believe the vast majority of consumers are carefully and thoughtfully understanding that when they sign an agreement with a credit card company, that they understand that what they need to do is pay that back, and if not, that there will be a penalty, a fee, or interest that will be charged as a result of that.

The free market today has lots of credit cards, lots of different companies, lots of different options that are available to people. But with what we are doing here today, that is going to change the way people do business for the vast majority of credit card users. It means that, today, if you follow all the rules, you pay either the first month or, properly what you're doing, that you are willing to keep that credit card because you need it without having to pay the penalty or the associated penalty to the risk that you have. Tomorrow, we are going to take risk out of the risky people and put the risk on everybody. And that is really what Meredith Whitney is trying to say here. Of the trillions of dollars that are available, credit card companies only draw down \$800 billion. That is because the vast majority of people, very effectively and properly, use the credit that is available to them.

The system does and did need tinkering; but when we tinker with that system, we should make sure that what we do is to add transparency, not rules and regulations that inflict what they do, and the changes, onto a contract willingly signed by a consumer.

Madam Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the gentleman for yielding the time and for his effective management of the rule.

I am very proud to be on the floor today to support the Credit Cardholders' Bill of Rights. I think it is about time that this bill came to the floor. Why? There is a demand on the part of the American people because they know they are being abused.

There are two bills that come every month to almost every household, certainly one, the utility bill, people study that, and the other, their credit card bill. Now, there is no doubt in my mind that America really has to go on a credit diet and that we will come through this economic crisis in a different and a better way. But credit is very important in our country because two-thirds of our national economy is comprised of consumer spending. And so credit cards, how they are used, and what people are charged in that usage, is very important.

In recent months, customers have seen their credit card payments skyrocket, with sudden and sharp increases in interest rates, confusing repayment schedules, all in an effort for the banks and the credit card companies to recoup their financial losses from other things that they have done.

Good, stable credit card customers have watched as their existing balances tripled and even quadrupled without warning and without justification. Credit card defaults are at an all-time high. When we reform this, this is going to help to stimulate our economy by putting more dollars back into the hands of consumers and not in coffers of the credit card companies. These companies will no longer be allowed to penalize cardholders who pay on time or shift allocation of payments to maximize interest rates. It is a rope-a-dope system that is being foisted on the American people, and we all know it. That is why we have to take this step today.

I salute Representatives MALONEY and GUTIERREZ for their tenacity in bringing this bill to the floor. I hope all Members will support this, and the American people will know by the votes in the House who is standing on their side.

□ 1045

Mr. SESSIONS. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, one of the amendments that was talked about earlier that was denied in the Rules Committee deals with an issue that Secretary Geithner and the Treasury Department have openly talked about, and that is their decision to look at the possibility of taking that preferred stock which TARP funds were bought into and converting that to common stock. On April 21 there was an article in *The Wall Street Journal* that talked about this. It's entitled "A Backdoor Nationalization."

The bottom line is that immediately after this appeared in the press, the stock market promptly tumbled by 3.5 percent, meaning once again bad news to the marketplace, with J.P. Morgan falling 10 percent and financial stocks as a group more than 9 percent. This was on April 20.

What this is about is that it would be a wholesale conversion, which would mean that the government would own a larger portion of banks, even more and even in a different way than they would with preferred stock. The *Wall Street Journal* says this is a back door to nationalization. That is because it would create uncertainty, not more certainty, by offering the specter of even greater lengths of periods of Federal control over the banking system.

Perhaps even worse than that, what they would do is they would seek to transfer and force banks to do this because of the frailty of the banks at this point. It means that the government would force a change of a contract from a bank that they may have.

Madam Speaker, that amendment should have been made in order. This Congress should be out on this as a policy, and we should be speaking up about this. Even though the amendment was not made in order, I encourage the Financial Services Committee of this Congress to make sure that they hold hearings on this exact issue. [From the *Wall Street Journal*, Apr. 21, 2009]

#### A BACKDOOR NATIONALIZATION—THE LATEST TREASURY BRAINSTORM WILL RETARD A BANKING RECOVERY

Just when you think the political class may have learned something in months of trying to fix the banking system, the ghost of Hank Paulson returns to haunt the Treasury. The latest Beltway blunder—and it would be a big one—is the Obama Administration's weekend news leak that it may insist on converting its preferred shares in some of the nation's largest banks into common equity.

The stock market promptly tumbled by more than 3.5% yesterday, with J.P. Morgan falling 10% and financial stocks as a group off 9%, as measured by the NYSE Financials index. Note to White House: Sneaky nationalizations aren't any more popular with investors than the straightforward kind.

The occasion for this latest nationalization trial balloon is the looming result of the Treasury's bank strip-tease—a.k.a. "stress tests." Treasury is worried, with cause, that some of the largest banks lack the capital to ride out future credit losses. Yet Secretary Timothy Geithner and the White House have concluded that they can't risk asking Congress for more bailout cash.

Voila, they propose a preferred-for-common swap, which can conjure up an extra \$100 billion in bank tangible common equity, a core measure of bank capital. Not that this really adds any new capital; it merely shifts the deck chairs on bank balance sheets. Why Treasury thinks anyone would find this reassuring is a mystery. The opposite is the more likely result, since it signals that Treasury no longer believes it can tap more public capital to support the financial system if the losses keep building.

Worse, wholesale equity conversion would mean the government owns a larger share of more banks and is more entangled than ever in their operations. Giving Barney Frank more voting power is more likely to induce panic than restore confidence. Simply look at the reluctance of some banks—notably J.P. Morgan Chase—to participate in Mr. Geithner's private-public toxic asset sale plan. The plan is rigged so taxpayers assume nearly all the downside risk, but the banks still don't want to play lest Congress become even more subject to political whim.

A backdoor nationalization also creates more uncertainty, not less, by offering the specter of an even lengthier period of federal control over the banking system. And it creates the fear of even more intrusive government influence over bank lending and the allocation of capital. These fears have only been enhanced by the refusal of Treasury to let more banks repay their Troubled Asset Relief Program (TARP) money.

As it stands, banks and their owners at least know how much they owe Uncle Sam, and those preferred shares represent a distinct and separate tier of bank capital. Once the government is mixed in with the rest of the equity holders, the value of its investments—and the cost to the banks of buying out the Treasury—will fluctuate by the day.

Congress is also still trying to advance a mortgage-cramdown bill that would hammer the value of already distressed mortgage-backed securities, and now the Administration is talking up legislation to curb credit-

card fees and interest. Both of these bills would damage bank profits, but large government ownership stakes would leave the banks helpless to oppose them. (See Citigroup, 36% owned by the feds and now a pro-cramdown lobbyist.)

We've come to this pass in part because the Obama Administration is afraid to ask Congress for the money for a meaningful bank recapitalization. And it may need that money now in part because Mr. Paulson's Treasury insisted on buying preferred stock in all the big banks instead of looking at each case on its merits. That decision last fall squandered TARP money on banks that probably didn't need it and left the Administration short of funds for banks that really do.

The sounder strategy—and the one we've recommended for two years—is to address systemic financial problems the old-fashioned way: bank by bank, through the Federal Deposit Insurance Corp. and a resolution agency with the capacity to hold troubled assets and work them off over time. If the stress tests reveal that some of our largest institutions are insolvent or nearly so, it's then time to seize the bank, sell off assets and recapitalize the remainder. (Meanwhile, the healthier institutions would get a vote of confidence and could attract new private capital.)

Bondholders would take a haircut and shareholders may well be wiped out. But converting preferred shares to equity does nothing to help bondholders in the long run anyway. And putting the taxpayer first in line for any losses alongside equity holders offers shareholders little other than an immediate dilution of their ownership stake. Treasury's equity conversion proposal increases the political risks for banks while imposing no discipline on shareholders, bondholders or management at failed or failing institutions.

The proposal would also be one more example of how Treasury isn't keeping its word. When he forced banks to accept public capital whether they needed it or not, Mr. Paulson said the deal was temporary and the terms wouldn't be onerous. To renege on those promises now will only make a bank recovery longer and more difficult.

Madam Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I would like to yield 2 minutes to my friend from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Well, it looks like another party-line vote, another partisan exercise.

My friend from Texas leading the opposition says that free enterprise works best when we leave it alone. Really? We have tried that approach for the last 8 years, cutting taxes and deregulating businesses. And where has it led us? To the worst financial crisis since the Great Depression. Trillions of dollars lost to this economy, millions of jobs, and our largest debt holder is Communist China. They're the only ones that came out whole from your experiment.

Now, it's true that we've had some of the largest corporate profit in history over the last 8 years, but much of it came from moving money around, in some cases deluding homebuyers and squeezing credit cardholders. And, in fact, 94 percent of the income growth went to the top 10 percent, leaving about 6 percent of income growth for the bottom 90 percent. And so what did they do? They borrowed more and more

from their home equity values, and they borrowed more and more from their credit cards.

And now what we're doing is to step over on to the side of the consumer and the homeowner. And that's why we have had any number of pieces of legislation to protect homebuyers so they could stay in their home, make their mortgage payments. And now we're dealing with credit cardholders. And we're not being unfair. All this is imposing fair business practices, looking out for the consumer, because the fact is that they have been subject to very unfair practices, arbitrary interest rate increases, over-the-limit fees. Cardholders who pay on time are hit with unfair penalties, due-date gimmicks, any number of things that this legislation addresses, appropriately.

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

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

Mr. MORAN of Virginia. I can't imagine that we would be opposing fair business practices that all of us would want for our children, for our parents, for our friends.

None of these are unreasonable. They should have been done years ago. I hope, for example, we will even add to them by letting people know if they only pay the minimum monthly payment when they will ever be able to pay off their credit card debt. Stop sending all these credit cards to young people on college campuses. Thirty-six credit cards the average American family is getting. It's out of control.

It's time to put it under control. Let's pass this unanimously.

Mr. SESSIONS. Madam Speaker, I appreciate the gentleman from Virginia coming down and setting the record straight about how the Bush administration has caused all these problems and all these tax cuts. But I would remind the gentleman that the greatest economic boom in the history of the United States and the world occurred during the time that we encouraged and incentivized investors to be a part of growing our economy.

As I recall, the facts of the case are that 3 years ago when our friends, the Democrats, became the new majority, they announced quite openly that those tax cut days were over with, and that's when the investor left. And when the investor left, that's when our economy started going downhill.

Let's tell the truth here. What we just passed just yesterday was the largest spending budget in the history of the universe that will lead to a debt that will double and triple, double and triple, in the next few years. That is a national security issue. And that's part of what we are talking about here today. The interference in the marketplace by my friends, the Democrats, that not only wiped out, took the investor out of the equation, but today are going to create an even worse circumstance for credit cardholders at a time when the extension of credit is needed more than ever.

Madam Speaker, I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I would like to yield 1 minute to the gentleman from Chicago, Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Madam Speaker, this is a fascinating debate for me because, for 7 years as a university professor, I have been able to see how this process actually works and begins. I saw the credit card companies literally trolling the campuses offering jerseys and sweatshirts for the honor of students to buy pizzas at 18 to 21 percent interest rates.

There is no doubt that credit card companies provide a valuable service for hardworking Americans, but they are the ones changing the rules. In recent years credit card companies have begun to abuse this system. They've implemented deceptive provisions and have burdened the average consumer with extraordinary high rates and fees.

If you pay your balance on time and you spend below your credit limit, you should not be subject to arbitrary interest rates and increases. These credit card companies deserve to make a profit, but not at the expense of the American consumer.

This bill is about reforming that system. It puts safeguards in place that will help inform consumers and empower them to take control of their credit and, therefore, their lives.

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

Mr. PERLMUTTER. Madam Speaker, I would like to yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Madam Speaker, this has been a week for America, fighting the H1N1 virus and coming together as a Nation. But at the same time, this Congress and this administration have invested in America's going forward with passing our budget resolution and thank, thank, thank whoever you desire to thank, including the sponsors of this bill, finally a credit cardholders' bill of rights.

Last year in 2008, \$19 billion in penalty fees on families with credit cards dealing with late fees, over-the-limit fees, and other penalties. This year, \$20 billion. This is crashing down on the heads of hardworking families, college students. Enough is enough.

I am proud to stand up and support legislation that says to the American people you are in charge, not the abusive, under-the-table focus of credit card companies who continuously handle their business wrongheadedly, charging over-the-limit fees. And, therefore, this bill will limit to three the number of over-the-limit fees companies can charge for the same transaction. Can you imagine, they were doing it over and over and over again. It ends unfair double-cycle billing, ends the fact that you might be paying your

bill on time and yet they raise your interest rate without notice.

An amendment that I support as well is one that indicates if you were to lose your card, the credit card company should notify credit cardholders 30 days before closing their account, give the reason foreclosure, options to keep the account open, programs available to repay the balance, and the resulting impact on their credit card score.

Sometimes people are surviving on their credit card, but they're paying their bill. But yet the credit card companies have no mercy. And they don't have any mercy when they go after our children on college campuses and the parents don't even know that the children have it. Limit the credit card balance or the amount when young people are involved.

This is a great bill. Thank goodness for the credit cardholders' bill of rights for the American people.

Madam Speaker, Americans are taught to work hard and make money and to buy a house, but we are never taught about financial literacy. In these tough economic times, it is imperative that Americans know about financial literacy; it is crucial to our survival. Americans need to be prepared to make informed financial choices. Indeed, we must learn how to effectively handle money, credit, debt, and risk. We must become better stewards over the things that we are entrusted. By becoming better stewards, Americans will become responsible workers, heads of households, investors, entrepreneurs, business leaders and citizens. I add my appreciation to CAROLYN MALONEY and LUIS GUTIERREZ for their hard work.

I am reminded of how important this issue is to American society, as I was invited to attend a financial literacy roundtable panel on Monday evening at the New York Stock Exchange. The panel was sponsored by the Hope Literacy Foundation. The panel was moderated by John Hope Bryant. I was surrounded by some of the great financial literacy experts in the nation. At the roundtable, I discussed the importance of financial literacy for college and university students. It is important that students be taught financial literacy. The facts about students and financial literacy are astounding.

In 2008, 84 percent of undergraduates had at least one credit card. This figure is staggering. Young people who themselves might not even have a job are able to get credit cards. This is astounding because it begins the cycle of indebtedness.

Recent studies have indicated that young people do not even know basic financial topics such as the impact of student loans on one's credit, how to balance a checkbook, and the impact of automobile loans on one's credit.

Because of my concern that young people are not sufficiently informed about financial literacy, I have offered this amendment: To require financial literacy counseling for borrowers, and for other purposes.

This amendment is important because approximately two-thirds of students borrow to pay for college according to the Center for Economic and Policy Research. Moreover, one in ten of student borrowers have loans more than \$35,000. Passing this legislation will ensure that our nation's college students

will be more prepared when incurring student loan debt and help them to avoid default as student loans severely impact one's credit score. Currently there is about \$60 billion in defaulted student loan debt.

Many students do not understand the reality of repaying student debt while taking out these loans. While most Americans have debt of some kind, student loan repayment is especially scary, as one cannot just declare bankruptcy and have their loans discharged. Due to the lack of financial literacy counseling for borrowers, student loan payments are often higher than expected. Recent grads are unable to afford the monthly payments resulting in them living paycheck to paycheck, acquiring credit card debt and in extreme cases, grads leaving the country in order to avoid repayment and debt collectors.

Students and parents are not currently receiving the proper or any information of the burden that their student loans will have once they graduate. This is possibly a result of the relationship between student loan companies and universities, as some lenders offer universities incentives to steer borrowers their way.

College campuses are one place that young Americans are introduced to credit and the possibility of living beyond their means. With proper loan and credit counseling the burden of debt incurred in college could be greatly reduced. Especially in this time of recession, financial literacy is one of the most important tools that we can give to our students in order to ensure their success in the future.

This amendment will provide financial literacy training to students taking out Federal Student Loans and will require a minimum of 4 hours of counseling including entrance and exit counseling. Counseling will include the fundamentals of basic checking and savings accounts, budgeting, types of credit and their appropriate uses, the different forms of student financial aid, repayment options, credit scores and ratings, as well as investing.

I support the rule and urge my colleagues to do likewise.

The rule prevents card companies from unfairly increasing interest rates on existing card balances—retroactive increases are permitted only if a cardholder is more than 30 days late, if a promotional rate expires, if the rate adjusts as part of a variable rate, or if the cardholder fails to comply with a workout agreement.

The rule requires card companies to give 45 days notice of all interest rate increases or significant contract changes (e.g. fees).

Requires companies to let consumers set their own fixed credit limit that cannot be exceeded.

Prevents companies from charging "over-the-limit" fees when a cardholder has set a limit, or when a preauthorized credit "hold" pushes a consumer over their limit.

Limits (to 3) the number of over-the-limit fees companies can charge for the same transaction—some issuers now charge virtually unlimited fees for a single violation.

Ends unfair "double cycle" billing—card companies couldn't charge interest on debt consumers have already paid on time.

If a cardholder pays on time and in full, the bill prevents card companies from piling additional fees on balances consisting solely of left-over interest.

Prohibits card companies from charging a fee when customers pay their bill.

Many companies credit payments to a cardholder's lowest interest rate balances first,

making it impossible for the consumer to pay off high-rate debt. The bill bans this practice, requiring payments made in excess of the minimum to be allocated proportionally or to the balance with the highest interest rate. Protests Cardholders from Due Date Gimmicks.

Requires card companies to mail billing statements 21 calendar days before the due date (up from the current 14 days), and to credit as "on time" payments made before 5 p.m. local time on the due date.

Extends the due date to next business day for mailed payments when the due date falls on a day a card company does not accept or receive mail (i.e. Sundays and holidays).

Establishes standard definitions of terms like "fixed rate" and "prime rate" so companies can't mislead or deceive consumers in marketing and advertising.

Gives consumers who are pre-approved for a card the right to reject that card prior to activation without negatively affecting their credit scores.

Prohibits issuers of subprime cards (where total yearly fixed fees exceed 25 percent of the credit limit) from charging those fees to the card itself. These cards are generally targeted to low-income consumers with weak credit histories.

Prohibits card companies from knowingly issuing cards to individuals under 18 who are not emancipated.

Requires reports to Congress by the Federal Reserve on credit card industry practices to enhance congressional oversight.

Requires card companies to send out 45-day notice of interest rate increases 90 days after the bill is signed into law; the remainder of the bill takes effect 12 months after enactment.

I urge my colleagues to support the rule. Seventeen amendments were made in order. I will discuss my views on each below.

1. Gutierrez Amendment. This amendment offered by Representative GUTIERREZ, would allow issuers to charge consumers for expedited payments by telephone when consumers request such an expedited payment, and would make technical corrections; would require that all credit card offers notify prospective applicants that excessive credit applications can adversely affect their credit rating; would direct the Board of Governors of the Federal Reserve to suggest appropriate guidelines for creditors to supply cardholders with information regarding the availability of legitimate and accredited credit counseling services; would require all written information, provisions, and terms in or on any application, solicitation, contract, or agreement for any credit card account under an open end consumer credit to appear in no less than 12 point font; and would require that stores who are self-issuers of credit cards display a large visible sign at counters with the same information that is required to be disclosed on the application itself.

I support this amendment and I urge my colleagues to support this amendment. This amendment addresses the issue of financial literacy and ensures that the consumer is afforded information to make an informed decision about applying for and ultimately securing a credit card. Credit counseling is a key element and is of paramount importance. This amendment provides credit counseling to the consumer before the consumer gets into financial trouble.

2. Frank (MA), would require the Federal Reserve (1) to review the consumer credit card market, including through solicitation of public comment, and report to Congress every two years; (2) publish a summary of this review in the Federal Register, along with proposed regulatory changes (or an explanation for why no such changes are proposed). The amendment also requires the Federal banking agencies and the FTC to submit to the Federal Reserve, for inclusion in the Federal Reserve's annual report to Congress, information about the agencies' supervisory and enforcement activities related to credit card issuers' compliance with consumer protection laws.

I support this amendment and encourage my colleagues to support this amendment. This amendment ensures that the FTC and the Federal banking agencies are engaging in supervisory and enforcement activities related to credit card issuer's compliance with consumer protection laws. This is important to ensure that another credit crisis is not looming and is an appropriate step to take to prevent such crises from occurring in the future.

3. Slaughter (NY)/Duncan (TN)/Hastings, Alcee (FL)/Johnson (GA)/Christensen (VI), would set underwriting standards for students' credit cards, including limiting credit lines to the greater of 20 percent of a student's annual income or \$500, without a co-signer and requiring creditors to obtain a proof of income, income history, and credit history from college students before approving credit applications.

I support this amendment. During the 1990s and 2000s, credit companies began a massive campaign of inundating university students with credit card offers. Such advertisement and easy availability of credit to students had the effect of enticing students to apply for credit. The students would then become indebted and subsequently face economic hardship. This amendment would help ensure that a student would be qualified for credit that he or she could afford. This amendment is practical and it makes sense. I support it and I urge my colleagues to do the same.

4. Gutierrez (IL)/Peters, Gary (MI)/Edwards, Donna (MD), would require credit card issuers to allocate payments in excess of the minimum payment to the portion of the remaining balance with the highest outstanding APR first, and then to any remaining balances in descending order, eliminating the pro rata option.

I support this amendment. The inclusion of this amendment would inure to consumers. I support it and urge my colleagues to do the same.

5. Pingree, Chellie (ME), would require the Chair of the Federal Reserve to submit a report on the level of implementation of this bill every 90 days until the Chair can report full industry implementation.

I support this amendment and urge my colleagues to do the same.

6. Polis (CO), would clarify that minors are allowed to have a credit card in their name on their parent or legal guardian's account.

I support this amendment. I believe that if young people are afforded credit cards and are taught how to effectively and safely use credit that it can be beneficial to them. This amendment would help in making children more financially responsible.

7. Jones (NC), would require the Federal Reserve Board, in consultation with the Federal Trade Commission and other agencies, to establish regulations that would allow estate

administrators to resolve outstanding credit balances in a timely manner.

I support this amendment. Its inclusion would ensure that debts are not passed off to the state. I support this bill and urge my colleagues to support.

8. Maloney (NY)/Watson (CA), would require credit cardholders to opt-into receiving over-the-limit protection on their credit card in order for a credit card company to charge an over-the-limit fee. Allows for transactions that go over the limit to be completed for operational reasons as long as they are of a de minimis amount, but the credit card company is not allowed to charge a fee.

I support this amendment. This is the same principle that applies with respect to over the limit fees in banking accounts. The premise is reasonable and makes sense. I urge my colleagues to support it.

9. Hensarling (TX), would allow issuers to raise rates on existing balances if they provide consumers clear notification 90 days in advance, provided that the issuer has previously specified this ability to consumers in their contract and at least once every year thereafter.

I do not support this amendment. The whole idea behind this bill is to extend certain rights to the consumer. This amendment allows credit card companies to continue to raise rates without any regard as to whether the rates were reasonable in the first instance. I urge my colleagues not to support this amendment.

10. Hensarling (TX), would allow creditors to use retroactive rate increases, universal default, and 'double cycle billing' practices as long as they offer at least one card option that does not have those billing features to all of their existing customers.

I do not support this amendment. The whole idea behind this bill is to extend certain rights to the consumer. This amendment allows credit card companies to continue to raise rates without any regard as to whether the rates were reasonable in the first instance. I urge my colleagues not to support this amendment.

11. Minnick (ID), would provide that the amount of a balance as of the 7-day mark, instead of the 14-day mark, following a notice of a rate increase would be protected from the rate increase.

I do not support this amendment. Allowing the balance as of the 14-day mark following a notice of rate increase that would be protected would help the consumer. I urge my colleagues not to support this amendment.

12. Price, David (NC)/Miller, Brad (NC)/Moran, James (VA)/Quigley (IL)/Lowe (NY)/Stupak (MI)/Sutton (OH), would require credit card issuers to provide enhanced disclosure to consumers regarding minimum payments, including a written Minimum Payment Warning statement on all monthly statements as well as information regarding the monthly payment amount and total cost that would be required for the consumer to eliminate the outstanding balance in 12, 24 and 36 months. Would require credit card issuers to provide a toll-free telephone number at which the consumer may receive information about accessing credit counseling and debt management services.

I support this amendment. It makes good sense and would help the consumer make informed decisions. It affords the consumer with credit counseling and debt management services which can be vital informational tools for consumers.

13. Davis, Susan (CA)/Carney (PA), Would require card issuers to notify cardholders 30 days before closing their accounts, the reason for the account closure, options to keep the account open, programs available to repay the balance, and the resulting impact on their credit score.

I support this amendment and urge my colleagues to support it. This amendment offers the consumer the last clear chance to self-help and to fix the consumers bad credit situation. Should the consumer not be able to improve the situation, the consumer must be informed about the resulting impact upon the consumer's credit score. This amendment makes sense. I urge my colleagues to support it.

14. Perriello (VA), Would require a 6-month period for a promotional rate for credit cards before the standard rate may be increased.

I support this amendment.

15. Schauer (MI), Would require creditors to post their credit card written agreements on their Web sites, and requires the Board to compile and report those agreements on its Web site.

I support this amendment. It promotes transparency.

16. Teague, Harry (NM)/Nye (VA)/Bocieri (OH)/Kissell, Larry (NC), Would restrict credit card issuers from making adverse reports to credit rating agencies regarding deployed military service members and disabled veterans during the first two years of their disability.

I support this amendment and I encourage my colleagues to do the same. This amendment ensures that veterans and servicemen are not prejudiced in their credit ratings because of deployment or disability. It is a small sacrifice for our servicemen and veterans who have given so much to protect this country. I urge my colleagues to support this amendment.

17. Schock (IL), Would allow consumers who have not activated an issued credit card within 45 days, to contact the issuing institution to cancel the card and have it removed from their credit report entirely. If after 45 days the card has not been activated it is automatically removed from any such report.

I support this amendment. It is a good commonsense amendment. I urge my colleagues to support it.

Madam Speaker, I support the rule and the amendments that I enumerated above. I urge my colleagues to do the same.

Mr. PERLMUTTER. Madam Speaker, I would like to yield 2 minutes to my friend from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the Member for yielding me the time.

I want to congratulate the sponsors of this bill, the Credit Cardholders' Bill of Rights. Obviously, we have been proud to sponsor this bill and its previous iterations in past Congresses as well as this Congress.

People in my district are upset about what's been going on with this. A Gloucester, Massachusetts, resident says that his bank has raised rates to the 27 percent level. Now they have to use part of their retirement savings to pay off their cards. From North Andover, Massachusetts, rates going up as high from 12 percent to 29 percent. A 12-year customer of their bank never

late on a payment. Salem, Massachusetts, their interest rates were threatened to go up to 31.99 percent.

Cardholders need protection. They need protection against arbitrary interest rate increases. They need protection against being punished even when they pay on time. They need protection against due-date gimmicks. They need protection against excessive fees.

But we also take nothing from the underlying bill, which is a good piece of legislation, to say that we also need protection on interest rates, period. Usury has been with this country since its origination all the way through the end of the Carter years. It wasn't until the courts in 1978 indicated that companies should not have to deal with 50 different interest rates State by State. But Justice Black also said the Federal legislators could undertake to set a cap on interest rate fees, and we should have been doing that long ago. We should have taken this opportunity in this rule to allow an amendment to do just that. We've had usury rules since the Babylonian Empire. The fact of the matter is these credit card companies will go out and just raise those interest rates to try to make up on what they're losing and the other things that we're doing in this bill.

If we don't do it in this bill, we should do it soon in a freestanding bill to stop those usury rates. We have to find out whether the Members of this body and the Senate are standing with American families and businesses or whether they're going to stand with the companies as they take excessive profits and unjustly enrich themselves on the backs of our families and our neighbors.

So I want to thank you for the time and say this is a great bill. The rule is a good rule. We need to move forward, however. If we're not going to allow a cap on interest rates in this bill, then we ought to do it in a freestanding bill and do it as soon as possible.

□ 1100

Mr. PERLMUTTER. I would like to ask my friend from Texas, we have two more speakers, proceed with them and then close? I don't know how many speakers he may have.

Mr. SESSIONS. I appreciate the gentleman, and I would allow him to proceed as just discussed.

Mr. PERLMUTTER. I yield 1 minute to my friend from Tennessee (Mr. COHEN).

Mr. COHEN. Madam Speaker, this is one of the most important bills to come before the Congress. I hope it has bipartisan support, because, indeed, people of all income ranges have credit card debt. And the actions of the credit card companies in changing due dates and other features hurt everybody. This is crippling Americans, consumers, with interest, debt and fees.

We had a committee meeting—I am chairman of Commercial and Administrative Law—on this subject. The credit card industry told us they couldn't

change their computers quicker than 2 years to get ready to do such a bill. I would submit if we can put a man on the Moon, the banks can get their computers fixed to deal with this bill, and they should.

We had an amendment we offered in committee on college students. College students are most vulnerable and shouldn't be lured to credit cards at an early age and put into even more debt than student loans do by offering prizes and gifts.

I support the bill and hope we can go further in the future or with the Senate.

Mr. PERLMUTTER. I would like to yield 2 minutes to the gentleman from New York (Mr. MAFFEI).

Mr. MAFFEI. I thank the gentleman for yielding.

Madam Speaker, we must support this rule because the Credit Cardholders' Bill of Rights Act is really just the beginning, just the foundation of reestablishing basic rules that will protect consumers.

A lot of these amendments are very, very good amendments and are needed to make sure that we don't need a lawyer like we do when we buy a house, you have a lawyer. But we don't need a lawyer in order to just get a credit card.

The very nature of what credit card companies have been doing has become exploitive. They are going after Americans who may be too responsible to run away, but too poor to ever pay back their balance.

They are making their money on unreasonable interest rates, fees, et cetera. And during a recession, this only becomes worse.

Now, the other side is saying that there is competition. But how can consumers take advantage of this competition if they can't even tell which credit card is better because of all the deceptive practices that we are allowing? Thirty-page contracts containing all this fine print, raising interest rates, universal default which says if you are late on any card, then any other card can punish you.

This credit card bill of rights is really just the beginning, and we must make sure that we also have a declaration of independence from unreasonable credit card interest rate and debt. Just as I just did with my credit card, we must get away from these unreasonable rates and unreasonable fees that the credit card companies are offering.

This bill will give the consumers the tools to do that.

Mr. SESSIONS. Madam Speaker, the gentleman and I had previously spoken that I would have a late arrival.

I yield 5 minutes to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the gentleman for yielding.

I offered an amendment before the Rules Committee, and unfortunately, it was sort of swatted away in a partisan fashion. I really regret that.

I think that the tone that we hear many times coming from the leader-

ship of this Congress is there is no pride of authorship, there is willingness to listen, and yet, somehow the conduct and the procedure that we have seen coming from the Rules Committee has really fallen short of that soaring rhetoric. Let me give you an example of that.

I offered an amendment which was very straightforward, and it directed the GAO to make sure that the requirements of this bill would not restrict access to credit or increase the cost of credit for small business.

And all it does is it would have delayed the effective date of the legislation until the President determined that the GAO study concluded that there was no extra burden for small business. And if the President differed in his determination, all he had to do was justify it.

So this isn't a power grab, this isn't overstating or overstepping, but what it is saying is, look, we all cumulatively talk about how important small business is. Everybody, when we go back to our districts, when we go to our teletown hall meetings, when we talk to the chambers of commerce and the rotary clubs, everybody talks about how important small business is.

And, yet, there is a very real possibility that the underlying bill that the majority is advancing right now is going to have an adverse effect on credit availability for small business.

Now, we have heard, during the course of this national economic debate and conversation that we have had, that we hold in highest esteem the following groups. We say we are very concerned about the small businessperson. We are very concerned about the entrepreneur. We are very concerned about the self-employed.

And, yet, when an opportunity comes along to stand up for that very group and basically say, whoa, hold on, just a second here, let's be very, very careful when we are changing credit policy that everybody acknowledges is the life and blood of a small business, yet, suddenly, we are just quickly going to run roughshod over that group, when all we are doing is saying let us have a vote on an amendment?

This isn't ramming something down; just have the vote. Just let the people's House decide.

But yet the Rules Committee, Madam Speaker, was very, very dismissive of it and said, no, no, no, we are really not interested in that approach, and we don't even want to hear about it. I think that's regrettable.

I think that this House can do better. I think this rule can be much better than this. What's to be afraid of? What's to be afraid about a vote and a conversation in the people's House, on the floor of the people's House about standing up for small business.

Now, I know that there are other elements of the bill that claim to be helpful to small business. But I will tell

you what, when it comes down to it, if we are that cavalier that we are not willing to have a conversation and a vote, a recorded vote on an amendment that simply says we are going to put a pause button on this to make sure that the GAO looks at this, to make sure it doesn't have an adverse effect on small business, I think it's deeply regrettable.

And notwithstanding the soaring rhetoric that we hear coming from the leadership of the majority, Madam Speaker, notwithstanding the promises, notwithstanding the sort of bumper-sticker mentality that you hear, see out and about in this town, I think it's really regrettable. Here we have this opportunity to stand up for small business, to make sure that they are treated well, and that they are treated with respect and that they have access to the credit that they need.

I think we can do much better. I am, therefore, urging people to vote against the rule.

Mr. PERLMUTTER. I yield myself so much time as I may consume.

But before the gentleman leaves the Chamber, my friend from Illinois, I want him to know, Madam Speaker, that there are 17 amendments up for vote today. And among those is a vote involving the Federal Reserve and reports that Federal Reserve will give to this Congress as to the consequences of the actions that we take within this legislation.

Now, if his complaint is that it should be the GAO versus the Federal Reserve, maybe that's a legitimate complaint. I certainly don't think it is.

But we are allowing today 17 amendments to the Credit Cardholders' Bill of Rights, and they cover a whole range of issues.

Mr. ROSKAM. Will the gentleman yield?

Mr. PERLMUTTER. I yield 15 seconds to my friend from Chicago.

Mr. ROSKAM. I want to thank the gentleman very much, Madam Speaker, for yielding to me.

When the gentleman uses language like allowing, we are allowing a debate, we are allowing certain amendments, I think we can do better than that. Look, 52 amendments were submitted.

That means, do the quick math, that's a whole host of ideas that were just sort of cast aside. We can do better, 17 out of 52. We know we can do better than that.

Let's vote against this rule and come back and do it the right way.

Mr. PERLMUTTER. I thank the gentleman.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, in closing I would like to stress that while my friends on the other side of the aisle claim to be protecting consumers with this legislation, they have refused a bill, the opportunity for an amendment in this bill, that would protect all taxpayers from de facto nationalization of our financial system. The American taxpayers deserve the same

accountability and transparencies with their dollars that this bill claims to do for consumers.

As a Nation, we have real problems, Madam Speaker, and they need to be solved through real solutions. And passing legislation that already exists in Federal statute, I believe, is wasting our time.

We need to provide jobs, we need to encourage economic growth, we need to get the investor back into the game and, perhaps most of all, we need to restore America's public faith in their Members of Congress and in this Congress that we are aiming at solving the problems that face this Nation.

While I encourage each of my colleagues to vote "no" on this structured rule, I would also advise them they need to equally understand the facts of the case, and that would drive them to a "no" vote.

I yield back the balance of my time. Mr. PERLMUTTER. Madam Speaker, I appreciated the debate on this particular rule, but it is time, this is not a time to just vote "no." We like the status quo.

The people across this country are fed up with some of the practices that have existed with respect to credit cards. Whether it's universal default, all of a sudden your credit card rate is raised because you blinked wrong at a school crossing.

Under this, under universal default, you can have your credit card rate raised for any reason at any time. That's just not right.

Doubling billing cycle, you pay a portion of your bill, yet you are still charged interest on that portion the next go around. That's not right.

Credit cards are being extended to young people with tons of legalese that are incomprehensible to the greatest of the lawyers. That's not right.

It is time that the people of this country take control of their credit cards and the practices that have existed so that it isn't just a profit center for many of the credit card companies. The good credit card companies and the good banks really do respect the rights of their customers and their consumers.

But there are abusive practices that must be stopped, and it is H.R. 627 that will rein in some of these abusive practices.

At this point I would urge a "yes" vote on the rule and on the previous question.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore. The question is on the resolution.

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

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

#### ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PERLMUTTER. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 381

*Resolved*, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Murphy of New York (to rank immediately after Mr. Boccieri).

(2) COMMITTEE ON ARMED SERVICES.—Mr. Murphy of New York, Mr. Boren.

(3) COMMITTEE ON THE JUDICIARY.—Mr. Quigley (to rank immediately after Mr. Pierluisi).

(4) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Quigley (to rank immediately after Mr. Connolly of Virginia), Ms. Kaptur (to rank immediately after Mr. Quigley).

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONSIDERATION OF H.R. 627, CREDIT CARD-HOLDERS' BILL OF RIGHTS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 379, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 249, nays 175, not voting 9, as follows:

[Roll No. 224]

YEAS—249

Abercrombie	Carson (IN)	Edwards (MD)
Ackerman	Castor (FL)	Edwards (TX)
Adler (NJ)	Chandler	Ellison
Altire	Childers	Ellsworth
Andrews	Clarke	Engel
Arcuri	Clay	Eshoo
Baca	Cleaver	Etheridge
Baird	Clyburn	Farr
Baldwin	Cohen	Fattah
Barrow	Connolly (VA)	Filner
Bean	Conyers	Foster
Becerra	Cooper	Frank (MA)
Berkley	Costa	Fudge
Berman	Costello	Giffords
Bishop (GA)	Courtney	Gonzalez
Bishop (NY)	Crowley	Gordon (TN)
Blumenauer	Cuellar	Grayson
Boccieri	Cummings	Green, Al
Boren	Dahlkemper	Green, Gene
Boswell	Davis (AL)	Griffith
Boucher	Davis (CA)	Grijalva
Boyd	Davis (IL)	Gutierrez
Brady (PA)	Davis (TN)	Hall (NY)
Bralley (IA)	DeFazio	Halvorson
Bright	DeGette	Hare
Brown, Corrine	Delahunt	Harman
Butterfield	DeLauro	Heinrich
Capps	Dicks	Herseth Sandlin
Capuano	Doggett	Higgins
Cardoza	Donnelly (IN)	Himes
Carnahan	Doyle	Hinchey
Carney	Driehaus	Hinojosa

Hirono	McMahon	Sanchez, Loretta
Hodes	McNerney	Sarbanes
Holden	Meek (FL)	Schakowsky
Holt	Meeks (NY)	Schauer
Honda	Melancon	Schiff
Hoyer	Michaud	Schrader
Insole	Miller (NC)	Schwartz
Israel	Miller, George	Scott (GA)
Jackson (IL)	Minnick	Scott (VA)
Jackson-Lee	Mitchell	Serrano
(TX)	Mollohan	Sestak
Johnson (GA)	Moore (KS)	Shea-Porter
Johnson, E. B.	Moore (WI)	Sherman
Kagen	Moran (VA)	Shuler
Kanjorski	Murphy (CT)	Sires
Kaptur	Murphy (NY)	Skelton
Kennedy	Murphy, Patrick	Slaughter
Kildee	Murtha	Smith (WA)
Kilpatrick (MI)	Nadler (NY)	Snyder
Kilroy	Napolitano	Space
Kind	Neal (MA)	Speier
Kirkpatrick (AZ)	Nye	Spratt
Kissell	Oberstar	Stupak
Klein (FL)	Obey	Sutton
Kosmas	Olver	Tanner
Kratovil	Ortiz	Tauscher
Kucinich	Pallone	Taylor
Langevin	Pascrell	Teague
Larsen (WA)	Pastor (AZ)	Thompson (CA)
Larson (CT)	Payne	Thompson (MS)
Lee (CA)	Perlmutter	Tierney
Levin	Perriello	Titus
Lewis (GA)	Peters	Tonko
Lipinski	Peterson	Towns
Loeb sack	Pingree (ME)	Tsongas
Lofgren, Zoe	Polis (CO)	Van Hollen
Lowey	Pomeroy	Velázquez
Lujan	Price (NC)	Visclosky
Lynch	Quigley	Walz
Maffei	Rahall	Wasserman
Maloney	Rangel	Schultz
Markey (CO)	Reyes	Waters
Markey (MA)	Richardson	Watson
Marshall	Rodriguez	Watt
Massa	Ross	Waxman
Matheson	Rothman (NJ)	Weiner
Matsui	Roybal-Allard	Welch
McCarthy (NY)	Rush	Wexler
McCollum	Ryan (OH)	Wilson (OH)
McDermott	Salazar	Woolsey
McGovern	Sánchez, Linda	Wu
McIntyre	T.	Yarmuth

NAYS—175

Aderholt	Dent	Lance
Akin	Diaz-Balart, L.	Latham
Alexander	Diaz-Balart, M.	LaTourette
Austria	Dreier	Latta
Bachmann	Duncan	Lee (NY)
Bachus	Ehlers	Lewis (CA)
Barrett (SC)	Emerson	Linder
Bartlett	Fallin	LoBiondo
Barton (TX)	Flake	Lucas
Biggart	Fleming	Luetkemeyer
Bilbray	Forbes	Lummis
Bilirakis	Fortenberry	Lungren, Daniel
Bishop (UT)	Fox	E.
Blackburn	Franks (AZ)	Mack
Blunt	Frelinghuysen	Manzullo
Boehner	Gallely	Marchant
Bonner	Garrett (NJ)	McCarthy (CA)
Bono Mack	Gerlach	McCaul
Boozman	Gingrey (GA)	McClintock
Boustany	Gohmert	McCotter
Brown (GA)	Goodlatte	McHenry
Brown (SC)	Graves	McHugh
Brown-Waite,	Guthrie	McKeon
Ginny	Hall (TX)	Mica
Buchanan	Harper	Miller (FL)
Burton (IN)	Hastings (WA)	Miller (MI)
Buyer	Heller	Miller, Gary
Calvert	Hensarling	Moran (KS)
Camp	Herger	Murphy, Tim
Campbell	Hill	Myrick
Cantor	Hoekstra	Neugebauer
Cao	Hunter	Nunes
Capito	Inglis	Olson
Carter	Issa	Paul
Cassidy	Jenkins	Paulsen
Castle	Johnson (IL)	Pence
Chaffetz	Johnson, Sam	Petri
Coble	Jones	Pitts
Coffman (CO)	Jordan (OH)	Platts
Cole	King (IA)	Poe (TX)
Conaway	King (NY)	Posey
Crenshaw	Kingston	Price (GA)
Culberson	Kirk	Putnam
Davis (KY)	Kline (MN)	Radanovich
Deal (GA)	Lamborn	Rehberg

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

NOT VOTING—9

Berry	Granger	Ruppersberger
Brady (TX)	Hastings (FL)	Stark
Burgess	McMorris	
Dingell	Rodgers	

□ 1139

Mr. POSEY changed his vote from “yea” to “nay.”

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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2072

Mrs. EMERSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 2072.

The SPEAKER pro tempore (Mr. SCHIFF). Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

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. Pursuant to House Resolution 379 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 627.

□ 1140

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 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, with Mrs. TAUSCHER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose on Wednesday, April 29, 2009, all time for general debate, pursuant to the order

of the House of April 28, 2009, had expired.

Pursuant to House Resolution 379, no further general debate is in order. The amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 627

*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 “Credit Cardholders’ Bill of Rights Act of 2009”.*

SEC. 2. CREDIT CARDS ON TERMS CONSUMERS CAN REPAY.

(a) RETROACTIVE RATE INCREASES AND UNIVERSAL DEFAULT LIMITED.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 127A the following new section:

“§ 127B. Additional requirements for credit card accounts under an open end consumer credit plan

“(a) RETROACTIVE RATE INCREASES AND UNIVERSAL DEFAULT LIMITED.—

“(1) IN GENERAL.—Except as provided in subsection (b), no creditor may increase any annual percentage rate of interest applicable to the existing balance on a credit card account of the consumer under an open end consumer credit plan.

“(2) EXISTING BALANCE DEFINED.—For purposes of this subsection and subsections (b) and (c), the term ‘existing balance’ means the amount owed on a consumer credit card account as of the end of the 14th day after the creditor provides notice of an increase in the annual percentage rate in accordance with subsection (c).

“(3) TREATMENT OF EXISTING BALANCES FOLLOWING RATE INCREASE.—If a creditor increases any annual percentage rate of interest applicable to the credit card account of a consumer under an open end consumer credit plan and there is an existing balance in the account to which such increase may not apply, the creditor shall allow the consumer to repay the existing balance using a method provided by the creditor which is at least as beneficial to the consumer as 1 of the following methods:

“(A) An amortization period for the existing balance of at least 5 years starting from the date on which the increased annual percentage rate went into effect.

“(B) The percentage of the existing balance that was included in the required minimum periodic payment before the rate increase cannot be more than doubled.

“(4) LIMITATION ON CERTAIN FEES.—If—

“(A) a creditor increases any annual percentage rate of interest applicable on a credit card account of the consumer under an open end consumer credit plan; and

“(B) the creditor is prohibited by this section from applying the increased rate to an existing balance, the creditor may not assess any fee or charge based solely on the existing balance.”.

(b) EXCEPTIONS TO THE AMENDMENT MADE BY SUBSECTION (a).—Section 127B of the Truth in Lending Act is amended by inserting after subsection (a) (as added by subsection (a)) the following new subsection:

“(b) EXCEPTIONS.—

“(1) IN GENERAL.—A creditor may increase any annual percentage rate of interest applicable to the existing balance on a credit card account of the consumer under an open end consumer credit plan only under the following circumstances:

“(A) CHANGE IN INDEX.—The increase is due solely to the operation of an index that is not

under the creditor's control and is available to the general public.

“(B) EXPIRATION OF PROMOTIONAL RATE.—The increase is due solely to the expiration of a promotional rate.

“(C) FAILURE TO COMPLY WITH WORKOUT PLAN.—The increase is due solely to the fact the consumer failed to comply with a negotiated workout plan with the creditor.

“(D) PAYMENT NOT RECEIVED DURING 30-DAY GRACE PERIOD AFTER DUE DATE.—The increase is due solely to the fact that any consumer's minimum payment has not been received within 30 days after the due date for such minimum payment.

“(2) LIMITATION ON INCREASES DUE TO FAILURE TO COMPLY WITH WORKOUT PLAN.—Notwithstanding paragraph (1)(C), the annual percentage rate in effect with respect to each category of transactions for a credit card account under an open end consumer credit plan after the increase permitted under such subsection due to the failure of a consumer to comply with a workout plan may not exceed the annual percentage applicable to such category of transactions on the day before the effective date of the workout plan.

“(3) STANDARDS REQUIRED.—The Board shall prescribe, by regulation, standards—

“(A) for entering into any workout plan applicable to any credit card account under an open end consumer credit plan; and

“(B) governing any such workout plan.”.

(c) ADVANCE NOTICE OF RATE INCREASES AND SIGNIFICANT CONTRACT CHANGES.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (b) (as added by subsection (b)) the following new subsections:

“(C) ADVANCE NOTICE OF RATE INCREASES.—

“(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan, no increase in any annual percentage rate of interest (other than an increase described in subsection (b)(1)(A)) may take effect unless the creditor provides a written notice to the consumer at least 45 days before the increase takes effect which fully describes the changes in the annual percentage rate, in a complete and conspicuous manner, and the extent to which such increase would apply to an existing balance.

“(2) LIMITATION ON RATE INCREASE NOTICES WITHIN FIRST YEAR.—Except in the case of an increase described in subparagraph (B), (C), or (D) of subsection (b)(1), no written notice under paragraph (1) of an increase in any annual percentage rate of interest on any credit card account under an open end consumer credit plan (for which notice is required under such paragraph) shall be effective before the end of the 1-year period beginning when the account is opened.

“(d) ADVANCE NOTICE OF SIGNIFICANT CONTRACT CHANGES.—In the case of any credit card account under an open end consumer credit plan, no significant change to the contract (such as any fee) may take effect unless the creditor provides a written notice of at least 45 days before the change takes effect which fully describes the changes in the contract, in a complete and conspicuous manner.”.

(d) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after the item relating to section 127A the following new item:

“127B. Additional requirements for credit card accounts under an open end consumer credit plan.”.

### SEC. 3. ADDITIONAL PROVISIONS REGARDING ACCOUNT FEATURES, TERMS, AND PRICING.

(a) DOUBLE CYCLE BILLING PROHIBITED.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (d) (as added by section 2(c)) the following new subsection:

“(e) DOUBLE CYCLE BILLING.—

“(1) IN GENERAL.—No finance charge may be imposed by a creditor with respect to any balance on a credit card account under an open

end consumer credit plan that is based on balances for days in billing cycles preceding the most recent billing cycle as a result of the loss of any grace period.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply so as to prohibit a creditor from—

“(A) adjusting finance charges following the return of a payment for insufficient funds; or

“(B) adjusting finance charges following resolution of a billing error dispute.

“(3) GRACE PERIOD.—For purposes of this subsection, the term ‘grace period’ means, with respect to any credit card account under an open end consumer credit plan, the time period, if any, provided by the creditor within which any credit extended under such credit plan for purchases of goods or services may be repaid by the consumer without incurring a finance charge.”.

(b) LIMITATIONS RELATING TO ACCOUNT BALANCES ATTRIBUTABLE ONLY TO ACCRUED INTEREST.—Section 127B is amended by inserting after subsection (e) (as added by subsection (a)) the following new subsection:

“(f) LIMITATIONS RELATING TO ACCOUNT BALANCES ATTRIBUTABLE ONLY TO ACCRUED INTEREST.—

“(1) IN GENERAL.—If the outstanding balance on a credit card account under an open end consumer credit plan at the end of a billing period represents an amount attributable only to interest accrued during the preceding billing period on an outstanding balance that was fully repaid during the preceding billing period—

“(A) no fee may be imposed or collected in connection with such balance attributable only to interest before such end of the billing period; and

“(B) any failure to make timely repayments of the balance attributable only to interest before such end of the billing period shall not constitute a default on the account.

Such balance remains a legally binding debt obligation.

“(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as affecting—

“(A) the consumer's obligation to pay any accrued interest on a credit card account under an open end consumer credit plan; or

“(B) the accrual of interest on the outstanding balance on any such account in accordance with the terms of the account and this title.”.

(c) ACCESS TO PAYOFF BALANCE INFORMATION.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (f) (as added by subsection (b)) the following new subsection:

“(g) PAYOFF BALANCE INFORMATION.—

“(1) IN GENERAL.—Each periodic statement provided by a creditor to a consumer with respect to a credit card account under an open end consumer credit plan shall contain the toll-free telephone number, Internet address, and website at which the consumer may request the payoff balance on the account.

“(2) SMALL ISSUERS.—Notwithstanding paragraph (1), in the case of any credit card issuer which issues fewer than 50,000 credit cards in conjunction with credit card accounts under open end consumer credit plans, each periodic statement provided by such a creditor to a consumer with respect to any such credit card account shall contain the toll-free telephone number, Internet address, or website at which the consumer may request the payoff balance on the account.”.

(d) CONSUMER RIGHT TO REJECT CARD BEFORE NOTICE IS PROVIDED OF OPEN ACCOUNT.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (g) (as added by subsection (c)) the following new subsection:

“(h) CONSUMER RIGHT TO REJECT CARD BEFORE NOTICE OF NEW ACCOUNT IS PROVIDED TO CONSUMER REPORTING AGENCY.—

“(1) IN GENERAL.—A creditor may not furnish any information to a consumer reporting agency (as defined in section 603) concerning the establishment of a newly opened credit card account under an open end consumer credit plan until the credit card has been used or activated by the consumer.

“(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting a creditor from furnishing information about any application for a credit card account under an open end consumer credit plan or any inquiry about any such account to a consumer reporting agency (as so defined).”.

(e) USE OF TERMS CLARIFIED.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (h) (as added by subsection (d)) the following new subsection:

“(i) USE OF TERMS.—The following requirements shall apply with respect to the terms of any credit card account under any open end consumer credit plan:

“(1) ‘FIXED’ RATE.—The term ‘fixed’, when appearing in conjunction with a reference to the annual percentage rate or interest rate applicable with respect to such account, may only be used to refer to an annual percentage rate or interest rate that will not change or vary for any reason over the period clearly and conspicuously specified in the terms of the account.

“(2) PRIME RATE.—The term ‘prime rate’, when appearing in any agreement or contract for any such account, may only be used to refer to the bank prime rate published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the H.15 release (or any successor publication).

“(3) DUE DATE.—

“(A) IN GENERAL.—Each periodic statement for any such account shall contain a date by which the next periodic payment on the account must be made to avoid a late fee or be considered a late payment, and any payment received by 5 p.m., local time at the location specified by the creditor for the receipt of payment, on such date shall be treated as a timely payment for all purposes.

“(B) CERTAIN ELECTRONIC FUND TRANSFERS.—Any payment with respect to any such account made by a consumer online to the website of the credit card issuer or by telephone directly to the credit card issuer before 5 p.m., local time at the location specified by the creditor for the receipt of payment, on any business day shall be credited to the consumer's account that business day.

“(C) PRESUMPTION OF TIMELY PAYMENT.—Any evidence provided by a consumer in the form of a receipt from the United States Postal Service or other common carrier indicating that a payment on a credit card account was sent to the issuer not less than 7 days before the due date contained in the periodic statement under subparagraph (A) for such payment shall create a presumption that such payment was made by the due date, which may be rebutted by the creditor for fraud or dishonesty on the part of the consumer with respect to the mailing date.”.

(f) PAYMENT ALLOCATIONS.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (i) (as added by subsection (e)) the following new subsection:

“(j) PAYMENT ALLOCATIONS.—

“(1) IN GENERAL.—If 2 or more different annual percentage rates apply to different portions of an outstanding balance on a credit card account under an open end consumer credit plan, the amount of any periodic payment in excess of the required minimum payment shall be applied using 1 of the following methods:

“(A) HIGH-TO-LOW METHOD.—The excess amount is allocated first to the balance with the highest annual percentage rate and any remaining portion is allocated to any other balance in descending order, based on the applicable annual percentage rate each portion of such balance bears, from the highest such rate to the lowest.

“(B) PRO RATA METHOD.—The excess amount is allocated among each of the portions of such

balance which bear different rates of interest in the same proportion as each such portion of the outstanding balance bears to the total outstanding balance.

“(2) CLARIFICATION RELATING TO CERTAIN DEFERRED INTEREST ARRANGEMENTS.—A creditor may allocate the entire amount paid by the consumer in excess of the required minimum periodic payment to a balance on which interest is deferred during the 2 billing cycles immediately preceding the expiration of the period during which interest is deferred.

“(3) PROHIBITION ON RESTRICTED GRACE PERIODS UNDER CERTAIN CIRCUMSTANCES.—If, with respect to any credit card account under an open end consumer credit plan, a creditor offers a time period in which to repay credit extended without incurring finance charges to cardholders who pay the balance in full, the creditor may not deny a consumer who takes advantage of a promotional rate balance or deferred interest rate balance offer with respect to such an account any such time period for repaying credit without incurring finance charges.”

(g) TIMELY PROVISION OF PERIODIC STATEMENTS.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (f) (as added by subsection (f)) the following new subsection:

“(k) TIMELY PROVISION OF PERIODIC STATEMENTS.—Each periodic statement with respect to a credit card account under an open end consumer credit plan shall be sent by the creditor to the consumer not less than 21 calendar days before the due date identified in such statement for the next payment on the outstanding balance on such account, and section 163(a) shall be applied with respect to any such account by substituting ‘21’ for ‘fourteen’.”

(h) DUE DATES.—Section 127B of the Truth in Lending Act is amended by inserting after subsection (k) (as added by subsection (g)) the following new subsection:

“(l) DUE DATES.—If the date established by a creditor as the date on which a periodic payment on a credit card account under an open end consumer credit plan is due is a day on which mail is either not delivered to such creditor or is not accepted by the creditor for processing on such day, the creditor may not treat the receipt by the creditor of any such periodic payment by mail as of the next business day of the creditor as late for any purpose.”

#### SEC. 4. CONSUMER CHOICE WITH RESPECT TO OVER-THE-LIMIT TRANSACTIONS.

Section 127B of the Truth in Lending Act is amended by inserting after subsection (l) (as added by section 3(h)) the following new subsections:

“(m) OPT-OUT OF CREDITOR AUTHORIZATION OF OVER-THE-LIMIT TRANSACTIONS IF FEES ARE IMPOSED.—

“(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan under which an over-the-limit-fee may be imposed by the creditor for any extension of credit in excess of the amount of credit authorized to be extended under such account, the consumer may elect to prohibit the creditor, with respect to such account, from completing any transaction involving the extension of credit, with respect to such account, in excess of the amount of credit authorized by notifying the creditor of such election in accordance with paragraph (2).

“(2) NOTIFICATION BY CONSUMER.—A consumer shall notify a creditor under paragraph (1)—

“(A) through the notification system maintained by the creditor under paragraph (4); or

“(B) by submitting to the creditor a signed notice of election, by mail or electronic communication, on a form issued by the creditor for purposes of this subparagraph.

“(3) EFFECTIVENESS OF ELECTION.—An election by a consumer under paragraph (1) shall be effective beginning 3 business days after the creditor receives notice from the consumer in ac-

cordance with paragraph (2) and shall remain effective until the consumer revokes the election.

“(4) NOTIFICATION SYSTEM.—

“(A) IN GENERAL.—Each creditor that maintains credit card accounts under an open end consumer credit plan shall establish and maintain a notification system, including a toll-free telephone number, Internet address, and website, which permits any consumer whose credit card account is maintained by the creditor to notify the creditor of an election under this subsection in accordance with paragraph (2).

“(B) SMALL ISSUERS.—Notwithstanding subparagraph (A), any credit card issuer which issues fewer than 50,000 credit cards in conjunction with credit card accounts under open end consumer credit plans shall establish and maintain a notification system, which shall include a toll-free telephone number, Internet address, or website, which permits any consumer whose credit card account is maintained by the creditor to notify the creditor of an election under this subsection in accordance with paragraph (2).

“(5) ANNUAL NOTICE TO CONSUMERS OF AVAILABILITY OF ELECTION.—In the case of any credit card account under an open end consumer credit plan, the creditor shall include a notice, in clear and conspicuous language, of the availability of an election by the consumer under this paragraph as a means of avoiding over-the-limit fees and a higher amount of indebtedness, and the method for providing such notice—

“(A) on the periodic statement required under section 127(b) with respect to such account at least once each calendar year; and

“(B) on any such periodic statement which includes a notice of the imposition of an over-the-limit fee during the period covered by the statement.

“(6) NO FEES IF CONSUMER HAS MADE AN ELECTION.—If a consumer has made an election under paragraph (1), no over-the-limit fee may be imposed on the account for any reason that has caused the outstanding balance in the account to exceed the credit limit.

“(7) REGULATIONS.—

“(A) IN GENERAL.—The Board shall issue regulations allowing for the completion of over-the-limit transactions that for operational reasons exceed the credit limit by a de minimis amount, even where the cardholder has made an election under paragraph (1).

“(B) SUBJECT TO NO FEE LIMITATION.—The regulations prescribed under subparagraph (A) shall not allow for the imposition of any fee or any rate increase based on the permitted over-the-limit transactions.

“(n) OVER-THE-LIMIT FEE RESTRICTIONS.—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee may be imposed only once during a billing cycle if, on the last day of such billing cycle, the credit limit on the account is exceeded, and an over-the-limit fee, with respect to such excess credit, may be imposed only once in each of the 2 subsequent billing cycles, unless the consumer has obtained an additional extension of credit in excess of such credit limit during any such subsequent cycle or the consumer reduces the outstanding balance below the credit limit as of the end of such billing cycle.

“(o) OVER-THE-LIMIT FEES PROHIBITED IN CONJUNCTION WITH CERTAIN CREDIT HOLDS.—Notwithstanding subsection (n), an over-the-limit fee may not be imposed if the credit limit was exceeded due to a hold unless the actual amount of the transaction for which the hold was placed would have resulted in the consumer exceeding the credit limit.”

#### SEC. 5. STRENGTHEN CREDIT CARD INFORMATION COLLECTION.

Section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)) is amended—

(1) in paragraph (1)—

(A) by striking “COLLECTION REQUIRED.—The Board shall” and inserting “COLLECTION REQUIRED.—

“(A) IN GENERAL.—The Board shall”.

(B) by adding at the end the following new subparagraph:

“(B) INFORMATION TO BE INCLUDED.—The information under subparagraph (A) shall include, for the relevant semiannual period, the following information with respect each creditor in connection with any consumer credit card account:

“(i) A list of each type of transaction or event during the semiannual period for which 1 or more creditors has imposed a separate interest rate upon a consumer credit card accountholder, including purchases, cash advances, and balance transfers.

“(ii) For each type of transaction or event identified under clause (i)—

“(I) each distinct interest rate charged by the card issuer to a consumer credit card accountholder during the semiannual period; and

“(II) the number of cardholders to whom each such interest rate was applied during the last calendar month of the semiannual period, and the total amount of interest charged to such accountholders at each such rate during such month.

“(iii) A list of each type of fee that 1 or more of the creditors has imposed upon a consumer credit card accountholder during the semiannual period, including any fee imposed for obtaining a cash advance, making a late payment, exceeding the credit limit on an account, making a balance transfer, or exchanging United States dollars for foreign currency.

“(iv) For each type of fee identified under clause (iii), the number of accountholders upon whom the fee was imposed during each calendar month of the semiannual period, and the total amount of fees imposed upon cardholders during such month.

“(v) The total number of consumer credit card accountholders that incurred any finance charge or any other fee during the semiannual period.

“(vi) The total number of consumer credit card accounts maintained by each creditor as of the end of the semiannual period.

“(vii) The total number and value of cash advances made during the semiannual period under a consumer credit card account.

“(viii) The total number and value of purchases involving or constituting consumer credit card transactions during the semiannual period.

“(ix) The total number and amount of repayments on outstanding balances on consumer credit card accounts in each month of the semiannual period.

“(x) The percentage of all consumer credit card accountholders (with respect to any creditor) who—

“(I) incurred a finance charge in each month of the semiannual period on any portion of an outstanding balance on which a finance charge had not previously been incurred; and

“(II) incurred any such finance charge at any time during the semiannual period.

“(xi) The total number and amount of balances accruing finance charges during the semiannual period.

“(xii) The total number and amount of the outstanding balances on consumer credit card accounts as of the end of such semiannual period.

“(xiii) Total credit limits in effect on consumer credit card accounts as of the end of such semiannual period and the amount by which such credit limits exceed the credit limits in effect as of the beginning of such period.

“(xiv) Any other information related to interest rates, fees, or other charges that the Board deems of interest.”; and

(2) by adding at the end the following new paragraph:

“(5) REPORT TO CONGRESS.—The Board shall, on an annual basis, transmit to Congress and make public a report containing estimates by the Board of the approximate, relative percentage of

income derived by the credit card operations of depository institutions from—

“(A) the imposition of interest rates on cardholders, including separate estimates for—

“(i) interest with an annual percentage rate of less than 25 percent; and

“(ii) interest with an annual percentage rate equal to or greater than 25 percent;

“(B) the imposition of fees on cardholders;

“(C) the imposition of fees on merchants; and

“(D) any other material source of income, while specifying the nature of that income.”.

**SEC. 6. STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR ‘FEE HARVESTER’ CARDS.**

Section 127B of the Truth in Lending Act is amended by inserting after subsection (o) (as added by section 4) the following new subsection:

“(p) STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR ‘FEE HARVESTER’ CARDS.—

“(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan the terms of which require the payment of any fee (other than any late fee, any over-the-limit fee, or any fee for a payment returned for insufficient funds) by the consumer in the first year the account is opened in an amount in excess of 25 percent of the total amount of credit authorized under the account when the account is opened, no payment of any fee (other than any late fee, any over-the-limit fee, or any fee for a payment returned for insufficient funds) may be made from the credit made available by the card.

“(2) RULE OF CONSTRUCTION.—No provision of this subsection may be construed as authorizing any imposition or payment of advance fees otherwise prohibited by any provision of law.”.

**SEC. 7. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.**

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following new paragraph:

“(B) EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.—

“(A) IN GENERAL.—No credit card may be knowingly issued to, or open end credit plan established on behalf of, a consumer who has not attained the age of 18, unless the consumer is emancipated under applicable State law.

“(B) RULE OF CONSTRUCTION.—For the purposes of determining the age of an applicant, the submission of a signed application by a consumer stating that the consumer is over 18 shall be considered sufficient proof of age.”.

**SEC. 8. PROHIBIT FEES FOR PAYMENT ON CREDIT CARD ACCOUNTS BY ELECTRONIC FUND TRANSFERS.**

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following new subsection:

“(i) PAYMENTS BY EFT.—In the case of a credit card account under an open end consumer credit plan, a creditor may not impose a fee based on the manner in which payment on the account is made, including a fee for making any such payment by electronic fund transfer (as defined in section 903).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to all payments made after the date of the enactment of this Act and any fee imposed after such date in contravention of the amendment shall be promptly credited to the consumer’s account.

**SEC. 9. REPORT TO CONGRESS ON REDUCTIONS OF CONSUMER CREDIT CARD LIMITS BASED ON CERTAIN INFORMATION AS TO EXPERIENCE OR TRANSACTIONS OF THE CONSUMER.**

(a) REPORT ON CREDITOR PRACTICES REQUIRED.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System, in consultation with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit

Insurance Corporation, the National Credit Union Administration Board, and the Federal Trade Commission, shall report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on the extent to which, during the 3-year period ending on such date of enactment, creditors have reduced credit limits or raised interest rates applicable to credit card accounts under open end consumer credit plans based on—

(1) the geographical location where a credit transaction with the consumer takes place or the identity of the merchant involved in the transaction;

(2) the consumer’s credit transactions, including the type of credit transaction, the type of items purchased in such transaction, the price of items purchased in such transaction, any change in the type or price of items purchased in such transactions, and other data pertaining to the consumer’s use of such credit card account; and

(3) the identity of the mortgage creditor which extended or holds the mortgage loan secured by the consumer’s primary residence.

(b) OTHER INFORMATION.—The report required under subsection (a) shall also include—

(1) the number and identity of creditors that have engaged in the practices described in subsection (a);

(2) the extent to which the practices described in subsection (a) have an adverse impact on minority or low-income consumers;

(3) any other relevant information regarding such practices; and

(4) recommendations to the Congress on regulatory or statutory changes that may be needed to restrict or prevent such practices.

**SEC. 10. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (c) for the period described in such subsection, the amendments made by this Act shall apply to all credit card accounts under open end consumer credit plans after the earlier of—

(1) the end of the 12-month period beginning on the date of the enactment of this Act; or

(2) June 30, 2010.

(b) REGULATIONS.—Except as provided in subsection (c) for the period described in such subsection, the Board of Governors of the Federal Reserve System, in consultation with the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, and the Federal Trade Commission, shall prescribe regulations, in final form, implementing the amendments made by this Act before the earlier of—

(1) the end of the 5-month period beginning on the date of the enactment of this Act; or

(2) June 1, 2010.

(c) INTERIM EFFECTIVE PERIOD FOR ADVANCE NOTICES OF RATE INCREASES.—

(1) IN GENERAL.—During the period beginning 90 days after the date of the enactment of this Act and ending on the effective date of all the amendments under this Act as determined pursuant to subsection (a), no increase in any annual percentage rate of interest on any credit card account under an open end consumer credit plan (as such terms are defined in the Truth in Lending Act) may take effect unless the creditor provides a written notice to the consumer at least 45 days before the increase would otherwise take effect which fully describes the changes in the annual percentage rate, in a complete and conspicuous manner, and the extent to which such increase would apply to an existing balance.

(2) EXCEPTIONS.—A notice shall not be required under paragraph (1) for an increase in an annual percentage rate described in subparagraph (A), (B), or (C) of section 127B(b)(1) (as added by section 2).

(3) REGULATIONS.—The Board of Governors of the Federal Reserve System shall prescribe regu-

lations implementing the amendment referred to in paragraph (1), for purposes of this subsection, before the end of the 60-day period beginning on the date of the enactment of this Act.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111-92. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GUTIERREZ

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-92.

Mr. GUTIERREZ. I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GUTIERREZ:

At the end of section 3, insert the following new subsection:

(i) AVAILABILITY OF LEGITIMATE AND ACCREDITED CREDIT COUNSELING.—The Board of Governors of the Federal Reserve System shall suggest appropriate guidelines for creditors to follow with respect to credit card accounts under open end consumer credit plans to supply consumer cardholders with information regarding the availability of legitimate and accredited credit counseling services.

Strike section 8 of the bill and insert the following new sections (and redesignate succeeding sections accordingly):

**SEC. 8. PROHIBIT FEES FOR PAYMENT ON CREDIT CARD ACCOUNTS BY TELEPHONE OR ELECTRONIC FUND TRANSFERS.**

Section 164 of the Truth in Lending Act (15 U.S.C. 1666c) is amended—

(1) by striking “Payments received” and inserting “(a) IN GENERAL.—Payments received”; and

(2) by adding at the end the following new subsection:

“(b) PAYMENT FEES.—

“(1) PROHIBITION ON FEE BASED ON MODE OF PAYMENT.—Except as provided in paragraph (2), in the case of a credit card account under an open end consumer credit plan, a creditor may not impose a fee on the obligor based on the particular manner in which the obligor makes a payment on such account.

“(2) EXCEPTION.—If the obligor requests to make an expedited payment on a credit card account under an open end consumer credit plan by telephone on the date that a payment is due, or the day immediately preceding such date, the creditor may assess a fee for crediting the payment to the obligor’s account on or by such date.”.

**SEC. 9. SOLICITATIONS REQUIRED TO INCLUDE WARNING ON ADVERSE EFFECTS OF EXCESSIVE CREDIT INQUIRIES.**

Section 127(c)(1)(B) of the Truth in Lending Act (15 U.S.C. 1637(c)(1)(B)) is amended by adding at the end the following new clause:

“(iv) EXCESSIVE CREDIT INQUIRIES.—A warning that excessive credit inquiries, which occur in connection with credit applications and solicitations and under other circumstances, can have an adverse effect on a consumer credit score.”.

**SEC. 10. READABILITY REQUIREMENT.**

Section 122 of the Truth in Lending Act (U.S.C. 1632) is amended by adding at the end the following new subsection:

“(d) MINIMUM TYPE-SIZE AND FONT REQUIREMENT FOR CREDIT CARD APPLICATIONS AND DISCLOSURES.—All written information, provisions, and terms in or on any application, solicitation, contract, or agreement for any credit card account under an open end consumer credit plan, and all written information included in or on any disclosure required under this chapter with respect to any such account, shall appear—

“(1) in not less than 12-point type; and

“(2) in any font other than a font which the Board has designated, in regulations under this section, as a font that inhibits readability.”.

Insert at the end the following new section:

**SEC. 13. DISCLOSURE REQUIREMENT FOR STORES ACCEPTING CREDIT CARD ACCOUNT APPLICATIONS.**

(a) IN GENERAL.—Section 122 of the Truth in Lending Act (15 U.S.C. 1632) is amended by adding at the end the following:

“(d) SIGNS REQUIRED ON CERTAIN PREMISES WHERE CREDIT CARD ACCOUNT APPLICATIONS ACCEPTED.—

“(1) IN GENERAL.—A person who sells personal property to consumers on a business premises and makes available to consumers on such premises any application to open a credit card account under an open end consumer credit plan, and where such person is the issuer of such account, shall display in the premises on a sign any information that is subject to subsection (c) and that is required to be disclosed by the person on that application.

“(2) FORMAT.—Such information shall be displayed on the sign in the form and manner which the Board shall prescribe by regulations and which, to the extent practicable and appropriate, shall be consistent with the form and manner required for the disclosure of such information on the credit card application.

“(3) SIGN PLACEMENT.—Such signs shall be conspicuously placed at each location on the premises where the credit card application may be submitted by the consumer.”.

(b) CONFORMING AMENDMENT.—Section 111(e) of the Truth in Lending Act (15 U.S.C. 1610(e)) is amended by adding at the end the following:

“Section 122(d) shall supersede State laws relating to store display of the information that is subject to the requirements of such section, except that any State may employ or establish State laws for the purpose of enforcing the requirements of such section.”.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Illinois (Mr. GUTIERREZ) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. I yield myself 3½ minutes.

Madam Chairwoman, this amendment contains several provisions that both sides have either agreed to or believe are noncontroversial.

First, it amends section 8 of the bill, which prohibits credit card issuers from charging consumers who choose to pay their bill by phone, over the Internet, or by other means of electronic funds transfer. It allows credit card companies to charge consumers for expedited payments by telephone when consumers request such an expedited payment.

In current practice, many credit card issuers charge their customers a substantial fee to pay their monthly bill over the phone or online. These fees, known as pay-to-pay fees, are assessed regardless of whether a customer's payment is made on time.

Pay-to-pay fees don't exist to recoup the costs incurred through processing phone or online payments. Processing an electronic payment certainly does not cost as much as the \$15 fee which some credit card companies assess to their customers.

This bill would end the discrimination against payment methods by prohibiting the companies from charging a consumer to pay their bill. This amendment retains that prohibition, but permits an exception to the ban when the consumer wishes to have the convenience of an expedited payment. This would include any expedited payments made by the consumers within 24 hours of when the bill is due.

I want to thank Mr. ACKERMAN for his efforts in getting the pay-to-pay prohibition added to the bill and for working with the committee to find a bipartisan compromise to carve out expedited payments from the ban.

I also want to thank the gentleman from Delaware (Mr. CASTLE) for his work on this compromise.

This amendment contains several other provisions, including a provision drafted by Mr. HASTINGS directing the Federal Reserve to suggest appropriate guidelines for creditors to supply consumers with information regarding the availability of credit counseling services; a provision sponsored by Mr. CASTLE requiring that all credit card offers notify prospective applicants that excess credit applications can adversely affect their credit rating; a provision authored by the gentlelady from New York, Congresswoman SLAUGHTER, to require all written information and terms in any application, solicitation, contract or agreement for a credit card account to appear in no less than 12-point font; and a provision sponsored by Mr. WEINER requiring stores that are self-issuers of credit cards to display a large visible sign at counters with the same information that is required to be disclosed on the credit card information itself.

I urge my colleagues to support this amendment.

□ 1145

I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Chair, I claim time in opposition, but I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. I want to thank the gentleman.

We had a tremendous amount of discussion about the pay-to-pay provision in this bill. One of the things that we don't want to do is to prevent the cardholders' ability to be able to make pay-

ments by telephone or by other means. However, a number of these companies have invested a lot of money in the technology to allow consumers to be able to pay their credit cards in different ways and thereby avoid late fees.

A concern that many of us had was, if we somehow regulated and denied the ability completely of credit card companies to be able to charge a fee for this service, that they would discontinue it. We felt like that might even cost consumers more money because they would be charged late fees and interest.

I also appreciate the gentleman in that, I think, all of us believe that disclosure is an important part of making credit card use a better tool for consumers, and I'm glad to see that the gentleman also has some additional disclosure provisions in here as to the size of the type. So I think this particular amendment makes the overall bill better, and I thank the gentleman for his amendment.

I reserve the balance of my time.

Mr. GUTIERREZ. Madam Chair, I yield 1½ minutes to the author and architect of the bill, the gentlewoman from New York, CAROLYN MALONEY.

Mrs. MALONEY. I thank the chairman for yielding and for his leadership.

Madam Chair, I rise in support of this manager's amendment. It makes a number of commonsense additions to this legislation, such as requiring all written materials from credit card companies to be in at least a 12-point font. Gone will be the days of too-small-to-read fine, fine print disclosures and contracts. It requires the better disclosure of credit card terms when potential customers are offered credit cards in retail stores. It warns customers that constant credit applications can have an adverse effect on one's credit score, and it makes a clarification that Congressman ACKERMAN sought and achieved somewhat in committee with his amendment that was accepted that will ban fees for paying your credit card bill. No more fees for paying your bills. These are all very good and important things.

I support this amendment and urge its adoption.

Mr. NEUGEBAUER. Madam Chair, it is my privilege at this time to yield so much time as he may consume to my good friend from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Chairman, the part of this amendment that I, perhaps, do not support is one more mandate; but on balance, I wanted to compliment the ranking member, and I wanted to compliment the gentlelady from New York because the approach of this amendment is to provide consumers with tools that they can use to better understand the provisions of their credit card agreements. To me, that's at the crux of the argument.

What we should do is not take consumer choice away. We shouldn't take credit opportunities away, particularly

in a national credit crunch, but we have got to end misleading, deceptive and confusing disclosures where consumers do not have the opportunity or the ability to understand the options that are before them.

So as I look down here, being able to notify customers as to how a credit application can adversely affect their credit rating, this is a good thing. Increasing font sizes, in certain instances where needed, is a good thing. Requiring signage in stores that offer credit cards in order to help consumers to know their terms, this is a good thing.

I have said before—and I don't know if the gentlelady from New York was on the floor—that I applaud her for that portion of her bill that helps empower consumers with greater disclosure. I think that is a huge step forward.

As she well knows, I think her bill takes several steps backwards. I think it ends up eroding risk-based pricing. I believe there are some price controls within the bill. We've had a debate on that, and I assume we will continue to have a debate.

Overall, this amendment is a very good amendment, and it will help empower consumers. I am concerned about some of the pay-to-pay fees. I don't quite understand what's being accomplished there; but otherwise, it's a good amendment, and I applaud the authors for it.

Mr. GUTIERREZ. I want to thank the gentleman from Texas (Mr. HENSARLING) for his words. It's the second time we'll have a manager's amendment that we're going to be together on. I look forward to working with him more.

Mr. NEUGEBAUER. I have no further speakers, and I yield back my time.

Mr. GUTIERREZ. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-92.

Mr. FRANK of Massachusetts. Madam Chair, I rise to offer the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

After section 8, insert the following new section (and redesignate subsequent sections accordingly):

**SEC. 9. BOARD REVIEW OF CONSUMER CREDIT PLANS AND REGULATIONS.**

(a) **REQUIRED REVIEW.**—Not later than 2 years after the effective date of this Act and every 2 years thereafter, except as provided in subsection (c)(2), the Board shall conduct a review, within the limits of its existing resources available for reporting purposes, of the consumer credit card market including—

(1) the terms of credit card agreements and the practices of credit card issuers;

(2) the effectiveness of disclosure of terms, fees, and other expense of credit card plans;

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans, and

(4) whether or not, and to what extent, the Credit Cardholders' Bill of Rights Act of 2009 has resulted in—

(A) higher annual percentage rates of interest, on average, for credit card users than the average of such rates of interest in effect before the effective date of the Act;

(B) the imposition of annual fees or other credit card fees—

(i) that did not exist before such effective date;

(ii) at a higher average rate of applicability than existed before such effective date; or

(iii) with higher average costs to the consumer than were in effect before such effective date;

(C) an increase in the rate of denial of—

(i) new credit card accounts for consumers; or

(ii) new extensions of credit, or additional lines of credit, for existing credit accounts established before such effective date; or

(D) any other adverse or negative condition or effect on consumers.

(b) **SOLICITATION OF PUBLIC COMMENT.**—In connection with conducting the review required by subsection (a), the Board shall solicit comment from consumers, credit card issuers, and other interested parties, such as through hearings or written comments.

(c) **REGULATIONS.**—

(1) **NOTICE.**—Following the review required by subsection (a) the Board shall publish a notice in the Federal Register that—

(A) summarizes the review, the comments received from the public solicitation, and other evidence gathered by the Board such as through consumer testing or other research; and

(B) either—

(i) proposes new or revised regulations or interpretations to update or revise disclosures and protections for consumer credit cards as appropriate; or

(ii) states the reason for the Board's determination that new or revised regulations are not proposed.

(2) **REVISION OF REVIEW PERIOD FOLLOWING MATERIAL REVISION OF REGULATIONS.**—In the event the Board materially revises regulations on consumer credit card plans, a review need not be conducted until 2 years following the effective date of the revised regulations, which thereafter shall become the new date for the biennial review required by subsection (a).

(d) **BOARD REPORT TO THE CONGRESS.**—The Board shall report to the Congress no less frequently than every 2 years, except as provided in subsection (c)(2), on the status of its most recent review, its efforts to address any issues identified from the review, and any recommendations for legislation.

(e) **ADDITIONAL REPORTING.**—The Federal banking agencies and the Federal Trade Commission shall provide annually to the Board, and the Board shall include in its annual report to Congress under section 10 of the Federal Reserve Act, information about the supervisory and enforcement activities of the agencies with respect to credit card issuers' compliance with applicable Federal consumer protection statutes and regulations including—

(1) this Act, the amendments made by this Act, and regulations prescribed under this Act and such amendments; and

(2) section 5 of the Federal Trade Commission Act, and regulations prescribed under the Federal Trade Commission Act, such as part 227 of title 12 of the Code of Federal

Regulations as prescribed by the Board (Regulation AA).

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I yield myself 2 minutes.

Madam Chair, at the committee, the gentleman from Texas (Mr. HENSARLING) offered a proposal for a study. I did not agree with it at the time because it seemed to me to be talking about the potential negative. Subsequently, the administration asked us to support a study which seemed to me to be incomplete because it was only talking about potential positives.

So what I decided made the most sense was to amalgamate the two and to offer a study which asked the Federal Reserve to do both sides of this. I am sometimes skeptical of studies. I will say that I have, from time to time, thought about an amendment that said that any Member who moved to create a study should be required to take a public test on the results of that study once it was completed because we too easily put in the extra work here; but I do think, in this case, it is a new area of policy. It is entirely reasonable to have both the potential pluses and minuses studied, and that is why I offer this amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Chair, I rise to claim time in opposition, but I'm not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. At this time, I would like to yield such time as he may consume to my good friend from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Chair, I want to rise in support of the Frank amendment. I appreciate the distinguished chairman of the Financial Services Committee working with me on this.

I do believe that it is an important study to have, and again, I don't know what the results of the study will be. I'll take the chairman up on his challenge. I'll be prepared to take the pop quiz once the study comes out.

The only thing that is a little bit disappointing to me, if I recall right, is I offered a second-degree amendment to the Waters amendment in markup, which I believe was a 6-month study after implementation. This is a 2-year. I wish we didn't have to wait quite that long for the results.

Madam Chairman, one of the big debates that we're having within this body today is ultimately what will the impact be of this legislation. There are those on the other side of the aisle who have maintained that this will have no

adverse impact on credit availability or that there will be no bailout effect with those who have good credit ratings and good practices who ultimately end up bailing out others. Now, some on the other side admitted they just believe there are more benefits to be derived from the legislation than the cost. I do not feel that way.

Number one, the Congressional Research Service, in response to a question regarding this legislation, said: "Credit card issuers could respond in a variety of ways. 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."

That was the opinion of the Congressional Research Service. Again, it may prove to be true. It may not prove to be true. I believe it will prove to be true, and I believe that the Federal Reserve study could at least be helpful in determining this.

I've heard from community bankers within my district. They believe, if this legislation is passed, that ultimately smaller banks will be driven out of the market and that only the larger banks will be left offering these cards. If so, that, again, is fewer choices for consumers and reduced credit options.

We've heard from academics on the subject, like Professor Todd Zywicki of George Mason University, who said, "The increased use of credit cards has been a substitution from other types of consumer credit. If individuals are unable to get access to credit cards, experience and empirical evidence indicates they will turn elsewhere for credit—such as to pawn shops, payday lenders, rent-to-own or even loan sharks."

Again, I think that, given the expertise of the Federal Reserve—and certainly, I don't agree with everything they come out with, but they are a relevant party. They do have expertise, and I think it is an important portion of the chairman's amendment that they study the phenomena. We know about the experience of the U.K. When a couple of years ago they passed legislation, they ordered that the credit card default fees had to be cut or legal action would be taken. What happened is that two of the three biggest issuers imposed annual fees on their cardholders. Nineteen of the largest raised interest rates. Sixty percent fewer applicants were being able to receive credit.

So we have, number one, historical experience. We have academic testimony. We have testimony from the Congressional Research Service. So I hope there is an acknowledgment that there is at least a chance that those of us who argue the adverse consequences of the legislation may be proven right. I don't think the Federal Reserve are the only people who should study this phenomenon. I'm happy to invite a

GAO study and other independent studies.

Again, I think it's a very important point, and although I think the gentlewoman from New York's legislation takes a huge step forward with respect to disclosure, with respect to fighting misleading and really deceptive practices, I also fear that those who need credit the most in a credit crunch will be denied those opportunities. I fear that those who pay their bills on time or at least pay the minimum on time, which is over half of America, will end up having to bail out the other half, and we will have more bailout legislation.

So I appreciate the chairman in working with me and at least studying the phenomenon to see if it has any validity. I'm sorry we have to wait 2 years, but it's certainly better than nothing. Again, I appreciate the chairman of the full committee working with me on this.

□ 1200

Mr. FRANK of Massachusetts. I reserve the balance of my time.

Mr. NEUGEBAUER. Madam Chairman, I just want to reiterate what my friend from Texas said is that we do need to make sure we understand the intended and unintended consequences of this legislation and how it's going to impact consumers who use credit cards.

Like the gentleman from Texas, I'm disappointed that we're going to wait for 2 years to get those results, but I do think it's important that the agencies involved here make sure that if we have gone down a road that has a negative impact on the people that use our credit cards and depend on them, we need to know about that.

With that, I yield back.

Mr. FRANK of Massachusetts. Madam Chair, I am very pleased to be able to say today that the gentlewoman from New York, the author of the bill, and the gentleman from Illinois, the chairman of the subcommittee, are doing an excellent job.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. SLAUGHTER  
The Acting CHAIR (Mr. PASTOR of Arizona). It is now in order to consider amendment No. 3 printed in House Report 111-92.

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. SLAUGHTER:

In that portion of section 7 that precedes the amendment adding a new paragraph (8), strike "paragraph" and insert "paragraphs".

At the end of the paragraph (8) added by the amendment made by section 7, strike the closing quotation marks and the 2nd period.

After paragraph (8) of section 127(c) of the Truth in Lending Act (as added by the

amendment made by section 7), insert the following new paragraph:

"(9) PROVISIONS APPLICABLE WITH REGARD TO THE ISSUANCE OF CREDIT CARDS TO FULL-TIME, TRADITIONAL-AGED COLLEGE STUDENTS.—

"(A) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

"(i) COLLEGE STUDENT CREDIT CARD ACCOUNT DEFINED.—The term 'college student credit card account' means a credit card account under an open end consumer credit plan established or maintained for or on behalf of any college student.

"(ii) COLLEGE STUDENT.—The term 'college student' means an individual—

"(I) who is a full-time student attending an institution of higher education; and

"(II) who has attained the age of 18 and has not yet attained the age of 21.

"(iii) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning as in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(B) MAXIMUM AMOUNT LIMITATION AS A PERCENTAGE OF GROSS INCOME.—Unless a parent, legal guardian, or spouse of a college student assumes joint liability for debts incurred by the student in connection with a college student credit card account—

"(i) the amount of credit which may be extended by any one creditor to the full-time college student may not exceed, during any full calendar year, the greater of—

"(I) 20 percent of the annual gross income of the student; or

"(II) \$500; and

"(ii) no creditor shall grant a student a credit card account, if the credit limit for that credit card account, combined with the credit limits of any other credit card accounts held by the student, would exceed 30 percent of the annual gross income of the student in the most recently completed calendar year.

"(C) PARENTAL APPROVAL REQUIRED TO INCREASE CREDIT LINES FOR ACCOUNTS FOR WHICH PARENT IS JOINTLY LIABLE.—No increase may be made in the amount of credit authorized to be extended under a college student credit card account for which a parent, legal guardian, or spouse of the consumer has assumed joint liability for debts incurred by the consumer in connection with the account, before the consumer attains the age of 21, with respect to such consumer, unless the parent, guardian, or spouse of the consumer, as applicable, approves in writing, and assumes joint liability for, such increase.

"(D) INCOME VERIFICATION.—For purposes of this paragraph, a creditor shall require adequate proof of income, income history, and credit history, subject to the rules of the Board, before any college student credit card account may be opened by or on behalf of a student.

"(E) PROHIBITION ON MORE THAN 1 CREDIT CARD ACCOUNT FOR ANY COLLEGE STUDENT.—No creditor may open a credit card account for, or issue any credit card to, any college student who—

"(i) has no verifiable annual gross income; and

"(ii) already maintains a credit card account under an open end consumer credit plan with that creditor, or any affiliate thereof.

"(F) EXEMPTION AUTHORITY.—The Board may, by rule, provide for exemptions to the provisions of this paragraph, as deemed necessary or appropriate by the Board, consistent with the purposes of this paragraph."

The Acting CHAIR. Pursuant to House Resolution 379, the gentlewoman

from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of my amendment to protect college students from the hardship of excessive credit card debt and bankruptcy, and I am pleased to share my time with Congressman DUNCAN of Tennessee, with whom I have labored for at least 10 years to try to see this day come. And I appreciate him for his constant help and support.

According to Sallie Mae, the average undergraduate has \$2,200 in credit card debt, and that figure jumps to \$5,800 for graduate students. And according to Sallie Mae, 84 percent of undergraduates have at least one credit card, up from 76 percent in 2004. On average, students have 4.6 credit cards, and half of college students have more than four, which would be fine if the students were able to pay off the credit card debt.

Only 17 percent have said that they regularly pay that debt. Most of them have parents or simply let it go. A 2005 study—which is very important for us to know—indicated that many university administrators believe that credit card debt leads to a higher drop-out rate than their academic failure. Now, I don't think any of us ever expected that in our lifetime, that more students would drop out of college because of credit card debt than because of their academics. Indeed, the Indiana University administrator was quoted in the Chicago Tribune warning incoming freshmen that the school “loses more students to credit card debt than to academic failure.”

And we all know the ramifications of what happens when they become delinquent on their credit card debt. They can ruin their credit scores and end up paying higher rates on all future loans, and even more seriously they may be forced to declare bankruptcy and may not have enough credit rating to have credit cards again.

Over the past 10 years the number of young people filing for bankruptcy has increased. If credit card companies applied the same scrutiny to college students as they do to adults when approving them for credit cards, college students would not be able to maintain the balances which they are incapable of paying.

This is not merely smart business practice, it's good public policy, and our amendment will do just that by requiring the credit card companies to take responsibility for their lending practices to reduce the number of young people carrying excessive debt and filing for bankruptcy. We would ensure that credit card companies cannot provide students with extravagant limits and require the creditors to obtain a proof of income, income history and credit history from the students before approving the application.

It would also encourage financial responsibility from students by limiting

those without income to one credit card and set a limit by allowing increases over time if prompt payments have been made.

Credit cards can be a useful tool to help students; however, it can also be a card to failure.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Chairman, at this time, I am pleased to yield 2 minutes to the distinguished ranking member, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, there is nothing more controversial than students with credit cards and young people with credit cards. I think we all, as Members of Congress, have heard complaints from our constituents, and this is a response to some of that unease or anger.

But what we're doing here is two things. There are two provisions of this bill that I am opposed to. One is that you cannot have a credit card or someone under the age of 18 cannot have a credit card unless they have been emancipated by the State of residence, which means you're eliminating anyone under the age of 18. That includes a lot of students. And there are those who are saying no credit card under any circumstances unless you have been emancipated, which I disagree with.

Secondly, here you're saying to a group of students, 77 percent, according to GAO, use their credit cards for most of their personal expenses, a lot of their lodging, a lot of their books, a lot of their fees, and make large purchases from time to time.

You're saying you can only have a credit card in two cases: \$500—which is not going to be sufficient for many of them—or 20 percent of your income. Some of them are students. They have no income.

Now, you say to get around this, their parents can cosign and, number two, you do a complete credit history, which is pretty intrusive. You're really making decisions for every family and every student. Do you want to do that? What if their parents won't sign? But what if they need a credit card to go to school and they need to charge over \$500? You're really beginning to micro-manage. And sometimes it will prevent some injustices, sometimes it will prevent some financial difficulties, like Ms. SLAUGHTER said, but oftentimes, it will result in students not having the use of a credit card.

Ms. SLAUGHTER. Mr. Speaker, I would like to yield the remainder of my time to Mr. DUNCAN.

The Acting CHAIR. The gentleman from Tennessee is recognized for 1½ minutes.

Mr. DUNCAN. Mr. Chairman, I will be very brief.

First, I want to commend my colleague, the gentlewoman from New York, for her hard work on this over many years, as she has mentioned.

The college student loan program has resulted in many thousands and thousands of college graduates, graduated from college or even before graduation incurring huge, huge debts. And when you add credit card debts on top of that, now the average graduating college student has a combined credit card and student loan debt of \$20,402. Many, many thousands have much, much more than that.

And I think this amendment, some of what my friend, the gentleman from Alabama, has discussed, doesn't really pertain to the specific amendment that Ms. SLAUGHTER and I have done.

This amendment applies only to full-time, traditional-age college students, defined as a full-time student and in an institution of higher education who has not reached the age of 21. So this amendment does not apply to anyone over the age of 21.

I think it's a very reasonable amendment and a very minimal limitation or restriction on credit cards. Some universities, many universities across this country have entered into deals with credit card companies, and now they are not only encouraging students to incur huge student loan debts, they're encouraging students to incur credit card debts.

And I just think this amendment will send a message to parents and college students that they at least need to think about. We passed a resolution a couple of days ago encouraging a financial literacy program recognizing the fact that many people don't have the financial literacy they need.

Mr. NEUGEBAUER. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I certainly appreciate the intent behind the legislation, but I am fearful of what its adverse impact could be.

Like many people across this Nation, probably many people in this institution, I worked my way through undergraduate school. I worked a couple of different jobs in Texas A&M University back in the mid-seventies to get through college. To get to those jobs, I somehow had to keep an old 1965 Mustang running, and it didn't want to run.

For some reason, a credit card company sent me a solicitation, and I got a credit card. And whether I had a transmission problem that I couldn't pay for, I had a water pump go out, that credit card tided me over, made sure I had transportation to get to my job to pay for my undergraduate studies. And I hate to think about all of the college students in America who may be denied that opportunity. I used it the way it was supposed to be used. I used it for emergency purposes. I used it to tide me over until that next paycheck came in.

We're talking about folks over 18 who can vote, who can go to war, in most States can marry, own real property. We shouldn't be paternalistic towards them. We shouldn't deny them what could be an incredibly valuable tool to get them through college in the first place.

So I urge the rejection of this amendment.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself the balance of my time.

I think one of the concerns I have is this is a road we seem to be going down every day in these first hundred days, and that is the Federal Government telling people what they can and cannot do. I was shocked this week when the EPA administrator Lisa Jackson told public radio that it was time for America to have a single roadmap and for the government to tell Americans what kind of cars they ought to be driving. Now we have an amendment here that's going to tell college students whether they can have a credit card or not.

This is not the America that our Founding Fathers founded. They founded this Nation on empowerment and they founded it on the basis of freedom of choice, and now we're taking choices away. And like the gentleman from Texas just said, my wife and I put ourselves through college. We felt like we were fairly responsible. We weren't getting student loans, we were working. From time to time we needed a little extra help, and we were able to use our gasoline credit card or our credit card for unforeseen expenses. Now we're telling people 18-21 the government doesn't think you ought to have a credit card or you're not responsible enough to have a credit card.

So now we have an amendment that says, By the way, we're not going to teach you how to use your credit appropriately. We're just going to take your credit away.

Anybody that knows what challenges that young people in college are facing today would know that this is not a good thing for these young people. Many of them are working their way through school and they use this credit card as a valuable tool. Ranking Member BACHUS said 77 percent of students and universities are using these cards. Not all of them are using them irresponsibly.

So now for those people that feel like that somehow there's predatory activities going on, we're going to take that right away.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. GUTIERREZ

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-92.

Mr. GUTIERREZ. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. GUTIERREZ:

In paragraph (1) of subsection (j) of section 127B of the Truth in Lending Act (as added by section 3(f) of the bill) strike "minimum payment shall be applied", where such term appears in the matter preceding subparagraph (A), and all that follows through the end of subparagraph (B) of such paragraph and insert "minimum payment shall be allocated first to the balance with the highest annual percentage rate and any remaining portion is allocated to any other balance in descending order, based on the applicable annual percentage rate each portion of such balance bears, from the highest such rate to the lowest".

□ 1215

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Illinois (Mr. GUTIERREZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment, which includes language that was requested by the White House, addresses how credit card companies allocate payments when a consumer is carrying balances on their credit cards at several different interest rates.

Under existing law, when different portions of a consumer's credit card balance have different interest rates, the credit card insurer may allocate payments in excess of the minimum payment in any manner they choose. Many insurers allocate these excess payments to the portion of the balance with the lowest interest rate, ensuring that the highest interest portions remain on the debtor's account longer.

H.R. 627, as reported, requires payments in excess of the minimum payment to be allocated either, one, to the portion with the highest interest rate first and then other portions based on descending order of APR, or, two, on a pro rata basis. The Gutierrez-Peters-Edwards amendment would eliminate the pro rata option in H.R. 627 and require credit card insurers to allocate payments in excess of the minimum payment to the portion of the consumer's remaining balance with the highest interest rate first, and then by any remaining balances in descending order. This amendment would prevent the credit card insurers from abusing the introductory rates they offer by allocating payments to the lowest rate balance first, while the industry makes their profits from keeping the highest interest rates balance on the consumer's account, which is common practice today.

Our consumers need every tool we can give them to pay down their existing credit card debt and avoid getting caught in the cycle of debt. This amendment would dramatically shift the balance of power from credit card companies to our consumers.

I thank the two wonderful freshmen Members who cosponsored this amendment, Mr. PETERS from Michigan and Ms. EDWARDS from Maryland. I strongly urge my colleagues to support this amendment.

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

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Chairman, the bill itself I think reached a compromise on this issue as well as the Federal regulations that came out about this, and basically it allows it to prorate that. So if there were an introductory period where the interest rate was lower and then later on that introductory period passed, it was fair to prorate the payments between the two rates, the old rate and the new rate. This one now allows the payment to be applied to the introductory rate. And thereby, I think what it is going to do—and again, we talk about choice. It is going to continue to restrict the kinds of cards and choices that the American people are going to be able to use and look at and be given from the various credit card companies. And so I am opposed to this.

At this time, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

I fear that what we have here is another form of price controls being applied to credit card availability.

You know, what is going to happen here, as we attempt to protect the consumer, I think we are about to protect him right out of having any opportunity to have an introductory rate. I mean, what is going to end up happening here is, instead of, say, enjoying a 10 percent rate for 3 months and then a 15 percent rate kicks in for the next 9 months, you are going to end up with 15 percent for the whole year.

Again, the answer here is to allow the consumer to have choice. People can understand this if we will write the disclosure in the right way. Yes, there are deceptive practices, but don't hurt the consumer as you clean up deceptive practices, but let the consumer choose. Let the consumer choose. And particularly for those who pay their bill on time at the end of each month, they are going to be hurt every time you take away just a little bit and chip away at the ability for people to have their risk priced because those who are good risk are going to end up subsidizing those who aren't.

I fear, again, that this will be an amendment that has untold, unintended consequences that are going to

ultimately hurt the consumer. I mean, there are a lot of different things that I would love for Congress to do. You know, I don't like to pay extra for the cheese on a cheeseburger; maybe we can somehow pass a law that they can't charge me extra for that. But you know what's going to happen? Either, one, they are going to quit offering me the cheeseburger, or number two, everybody who doesn't offer it is going to have to pay more. If you poke in on one end of the balloon, it pokes out somewhere else.

I know the intention is good, but we are going to protect consumers out of having any opportunity to have introductory rates if they wish them. So we need to reject this amendment.

Mr. GUTIERREZ. Mr. Chairman, I would inquire as to the time remaining on our side.

The Acting CHAIR. The gentleman has 3 minutes remaining.

Mr. GUTIERREZ. Mr. Chairman, I yield 2 minutes to the wonderful gentlewoman and cosponsor from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Mr. Chairman, I rise today in support of the Gutierrez-Peters-Edwards amendment. I am a proud sponsor of the amendment. And thank you to Chairman GUTIERREZ for his leadership on this issue, and also to Representatives FRANK and MALONEY for their stellar work on behalf of consumers and protecting consumers.

This amendment is such common sense that it almost seems unnecessary to explain, and it is supported by the White House. It would simply require credit card issuers to allocate payments in excess of the minimum payment to the portion of the remaining balance with the highest outstanding annual percentage rate.

Today, most credit card companies put the high-interest charges at the bottom of your balance. So even if you are making a payment every month, none of that payment will go to the highest interest debt until your payment covers the entire balance of the low-interest debt as well. This is costing consumers thousands of dollars that could be put back into the economy.

The current system makes it difficult, if not impossible, for people to pay off their debt, and it is really designed to make consumers prisoners of the credit card company, forever indebted to them because you could never pay off the highest interest debt. The practice has to be changed, and this is the vehicle to change it.

Mr. Chairman, the underlying bill and this amendment are about doing the right thing for American consumers and potentially saving them thousands of dollars that can be put straight back into our economy. I urge my colleagues to support this amendment and the underlying bill.

Mr. NEUGEBAUER. Mr. Chairman, I yield back the balance of my time.

Mr. GUTIERREZ. Mr. Chairman, I yield myself the remaining time.

The Acting CHAIR. The gentleman from Illinois is recognized for 1½ minutes.

Mr. GUTIERREZ. First of all, this is really a simple, commonsense practice for consumers. It says, you had an interest rate of 10 percent on the first \$100 you took, and then the credit card company raises it to 20 percent when you take another \$100. And the minimum payment is \$30 on that \$200, but you make a payment of \$50. What happens with that extra \$20 over the minimum payment? It goes to reduce the debt on the highest interest rate first. So, therefore, the consumer is protected from the hike.

I just want to say that this amendment comes after conversations with the President and the White House and the credit card industry. It was sent over here to the House. I am proud to join the gentlelady from Maryland in proposing this commonsense amendment to protect consumers.

Just think, you have a chance to put consumers first by allowing them to pay down the debt at the highest interest rate after the credit card company changed the rate on you. That is all this really does. It is very consumer-oriented, and that is what I think we should be all about here today.

Mr. PETERS. Mr. Chair, I rise today in support of this Amendment and the underlying bill, which provides important protections for consumers against unfair credit card billing practices. This amendment, which I am proud to be cosponsoring, simply states that when a credit card holder makes a payment it has to be allocated to the balance with the highest interest rate first.

Like many of my colleagues, I meet regularly with constituents who are struggling. In Michigan, unemployment is rising, home prices are falling, and many families are struggling with increased debts and financial insecurity. While I am new to the Congress, I am not new to the business of advising families on what's in their financial best interest. For twenty-two years I was a financial adviser, and my advice to anyone attempting to pay off outstanding debt was clear: pay off the highest interest accounts first. But current credit card billing practices don't always make that possible.

This straight forward, common sense amendment protects consumers by requiring any payment beyond the minimum payment to be applied to the highest interest balance, thus ensuring that families that are working hard to pay their bills and get out from under their credit card debt are not stuck in a hole paying off low interest debt while the compound interest on their higher interest debt keeps piling up.

Mr. Chair, this amendment and this bill provide important protections for America's families during this time of economic uncertainty. I urge my colleagues to adopt the Gutierrez-Peters Amendment and vote in favor of the Credit Cardholders' Bill of Rights.

Mr. GUTIERREZ. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. PINGREE OF MAINE

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-92.

Ms. PINGREE of Maine. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. PINGREE of Maine:

After section 9, insert the following new section (and redesignate the subsequent section accordingly):

**SEC. 10. INTERIM IMPLEMENTATION REPORTS TO THE CONGRESS.**

The Chairman of the Board of Governors of the Federal Reserve System shall submit a report each 90 days after the date of the enactment of this Act on the level of implementation of the regulations required to be prescribed under this Act to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate until the Chairman can report full industry implementation.

The Acting CHAIR. Pursuant to House Resolution 379, the gentlewoman from Maine (Ms. PINGREE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maine.

Ms. PINGREE of Maine. Mr. Chair, I yield myself such time as I may consume.

First I need to thank Chairman FRANK, Chairman GUTIERREZ, and my colleague, Representative MALONEY, for their tireless leadership on this very important bill before us today. This bill takes real steps to curb the unfair, unreasonable, and deceptive practices that nearly 175 million Americans with credit cards are subject to.

Late fees, over-the-limit fees, arbitrary interests, increases in interest rates, the credit card companies have gotten away with far too much for far too long. It is time we level the playing field now for small businesses, families and individuals.

In Maine, like so many places across the country, this is one of the most important issues on the minds of hard-working men and women. If they have not themselves been the victim of arbitrary rate increases, double-cycle billing, and deceptive fees buried in pages of indecipherable terms, then they know someone who has.

While these deceptive and misleading practices have always been unfair, they have devastating financial consequences during this time of economic difficulty when more and more people are using their credit cards to buy gasoline, to pay for their health care bills, or put food on the table.

In Maine, not only have we been customers, but we are also employees of a credit card company. And as employees, we have seen firsthand the pervasive and unethical methods that these companies employ. When MBNA—now Bank of America—came into our community, people who had traditionally

built homes or been fishermen found themselves using deceptive company practices to sell their neighbors credit they couldn't afford, and it took its toll.

Last fall, Nightline profiled Cate Columbo and Jerry Young of Camden, Maine, who worked 10-hour shifts at MBNA pushing customers into taking huge cash advances that they couldn't afford. The company urged employees to take advantage of parents sending their kids to college, homeowners, even veterans. In the Nightline piece, Cate said, "I would come home, and I would literally be crying in the sink doing dishes." The deceptive and misleading practices that Cate, Jerry and thousands of others were pressured to enforce ran squarely counter to the core values that Mainers and those across this country live by every day. That is why it is so important to pass this landmark bill today.

I strongly support the bill before us, but I want to be sure that it is implemented as soon and as well as possible. It is very important that we, as Congress, should be diligent about making sure that the industry and the regulators hold up their end of the legislation. My amendment simply requires that the Chairman of the Board of Governors of the Federal Reserve System reports on the level of implementation every 90 days until he can report full industry adoption.

Mr. Chairman, consumers have demanded that Congress act to stop the egregious practices of credit card companies, and it is our responsibility to provide the accountability and oversight that is necessary to ensure this happens. As we move to rebuild our economy in a way that is honest and fair, this commonsense legislation will allow cardholders to responsibly manage their finances.

Today, this body has the opportunity to change course by fixing a broken credit card system. I urge a "yes" vote on the amendment and the underlying bill.

I reserve the balance of my time.

Mr. NEUGEBAUER. We do not claim any time in opposition to the amendment.

Ms. PINGREE of Maine. I yield back my time and I urge a "yea" vote.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maine (Ms. PINGREE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. POLIS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-92.

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. POLIS:

In subparagraph (A) of the new paragraph (8) added to section 127(c) of the Truth in Lending Act by section 7 of the bill, insert "or the parent or legal guardian of such con-

sumer is designated as the primary account holder" before the period at the end.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Colorado (Mr. POLIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. POLIS. Mr. Chairman, I rise in support of my amendment to ensure that young Americans can continue to access credit and begin to establish a credit history and learn financial literacy.

I would like to thank Congresswoman MALONEY and her staff and Chairman FRANK and his staff for bringing this important consumer protection bill to the floor and for consideration of my amendment.

In my district of Colorado, financially responsible families who have paid their bills and been careful with credit have had the added insult of skyrocketing interest rates imposed by the very banks who caused the injury of this recession through their mismanagement.

We need available credit and fair borrowing terms in order to restore our Nation's economic health. This bill is good for consumers and, by reducing defaults and increasing consumer confidence, it is also good for the financial services industry. Equitable terms will result in on-time payments, making bank balance sheets healthier.

Management of credit is a matter of personal responsibility; however, to be truly accountable, the rules must be clear. The Credit Cardholders' Bill of Rights gives Americans the tools to be responsible with credit, and I urge its swift passage.

Furthermore, Mr. Chairman, it is important to recognize the professionals in the lending industry who have been the champions of their customers. In Colorado, we have the Young Americans Center for Financial Education. This bank for young people is teaching the next generation how to use credit wisely and teaches about business development and investment. Many other banks and credit unions, realizing that the informed customer is the best customer, have offered financial literacy and counseling courses, and these efforts are to be applauded.

□ 1230

Across the country, brokerage firms and even employers have taken action to inform people about financial services. I want to commend these efforts and encourage the entire industry to follow the example of these leaders.

While regulatory reform is important, the blame for our economic woes does not rest solely on the shoulders of the finance industry or government regulation. We must also aggressively address our culture of financial illiteracy. According to the consumer financial literacy survey report released this week, 41 percent of American adults would give themselves a C or

below for financial literacy. More troubling is the lack of knowledge about credit among younger Americans. We all know that the credit mistakes of youth can carry serious long-term consequences. If we expect the next generation of Americans to use credit responsibly, we must ensure that they are exposed to the tools of financial literacy at an early age.

It's for this reason that I have offered this amendment that will continue to allow minors to have a credit card in their name under the supervision of their parent or guardian. Not only is the practical firsthand experience of credit critical to financial literacy and establishing credit and personal responsibility, but for many families it's also an important safeguard in emergency situations. The Credit Cardholders' Bill of Rights is the beginning of what needs to be a thorough discussion of making financial literacy universal. This economic crisis has created a new awareness of the importance of financial literacy, and I urge this Congress to support reforms not only in regulation but in education to ensure that familiarity of financial instruments give Americans of all ages access to increased credit, homeownership, higher education, and are able to build wealth.

Today as we recognize the importance of financial literacy here on Capitol Hill, let's put words to action for young people back in our districts by protecting their ability to be introduced to credit.

I ask my colleagues to support my amendment to ensure age-appropriate access to credit continues to be the law of the land, and I further ask my fellow Members of Congress to pass this bill to give our constituents the needed relief and reforms of the Credit Cardholders' Bill of Rights.

I once again thank Congresswoman MALONEY and Chairman FRANK.

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

Mr. NEUGEBAUER. Mr. Chairman, we have no opposition to this amendment.

Mr. POLIS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. POLIS).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. JONES

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-92.

Mr. JONES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. JONES:

After section 9, insert the following new section (and redesignate the subsequent sections accordingly):

**SEC. 9. PROCEDURE FOR TIMELY SETTLEMENTS OF DECEDENT OBLIGORS' ESTATES.**

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act ( U.S.C. 1631 et seq.) is amended

by adding at the end the following new section:

**“§ 140A Procedure for timely settlements of decedent obligors’ estates**

“The Board, in consultation with the Federal Trade Commission and each other agency referred to in section 108(a), shall prescribe regulations to require any creditor, with respect to any credit card account under an open end consumer credit plan, to establish procedures to ensure that any administrator of an estate of any deceased obligor with respect to such account can resolve outstanding credit balances in a timely manner.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 140 the following new item:

“140A. Procedure for timely settlements of decedent obligors’ estates.”.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from North Carolina (Mr. JONES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. JONES. Mr. Chairman, I first would like to thank Chairman FRANK and Mrs. MALONEY for permitting me to bring this amendment to the floor. This amendment today reflects a personal story that I would like to tell in just a very few minutes.

A childhood friend of mine, Ben Monk, died of cancer in January. His brother, J.Y. Monk, is also a very close and dear friend of mine. As the estate executor, J.Y. Monk had a difficult time resolving the outstanding balance of Ben’s account. He sent four separate letters to the credit card company, Capital One, requesting the account balance amount. He called Capital One on four different occasions. He repeatedly faxed and mailed Capital One his brother’s death certificate and letters of testimony. He was never contacted in return and was unable to gain access to the account balance due. Meanwhile, Capital One was collecting very high interest payments on the account.

This was unacceptable. It is already difficult enough for families to take up the practical matter that must be dealt with soon after a loved one dies. They should not have to chase after creditors and get the runaround from poor customer service.

This amendment is very simple. It would require the Federal Reserve Board to establish regulations to allow estate administrators to resolve outstanding credit balances on credit card accounts in a timely manner. This amendment would allow a deceased person’s estate to quickly settle their account and pay off the remaining debt.

According to the Congressional Research Service, there is no current standard for credit card companies to follow to wind down estates in a timely manner when a deceased person’s estate is trying to be settled. This amendment would help estate administrators to quickly and without hassle be able to bring a resolution to the estate.

Again, I would like to thank the chairman and Mrs. MALONEY. I would like to thank my side for permitting me to bring this to the floor of the House.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I rise in very nominal opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I am opposed only in that by bringing forth this amendment, the gentleman from North Carolina has revealed the imperfection of our product. We should have included this in the first place.

But it is a very good idea, and I congratulate him for his diligence. And this is the process at its best, a specific issue which was called to the attention of a Member in a concrete way, and he responds not simply in terms of that specific situation but with a broader solution.

With that, Mr. Chairman, I now yield such time as she may consume to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. First, let me thank the chairman for yielding and for his tremendous leadership in bringing this very important bill to the floor today.

Mr. Chairman, I believe that the critical protections contained in this legislation will strengthen the regulations issued by the Federal Reserve, and I strongly support its passage.

However, Mr. Chairman, I am concerned that during these incredibly difficult and challenging economic times, our constituents are increasingly being squeezed with egregious fees and dubious business practices by the very banks that their tax dollars have been bailing out. The newspapers are rife with stories about consumers being gouged, mind you, gouged by banks that have been suddenly jacking up their interest rates on their credit cards or imposing new monthly service charges or reducing credit limits with little or no explanation. In most cases these tactics are being used on consumers, although they carry a balance from month to month, they pay their bills on time, they’re playing by the rules, and they make at least their minimum payment. We’ve heard countless, countless stories of bait-and-switch tactics by credit card issuers who suddenly raise interest rates because a consumer is a few days late in paying another creditor. This is just downright wrong. It’s outrageous.

Years ago I worked with now-Senator SANDERS on legislation, and this was when I was on the Financial Services Committee, to address this practice of universal default. I am pleased that this language is included in this bill, but it’s critical that the protections banning this practice are put into place immediately.

Mr. Chairman, the Federal Reserve has already determined that the use of

these unfair bait-and-switch profit-maximizing tactics must end. I believe that we can and we should end these practices at the earliest possible date, like now.

Mr. FRANK of Massachusetts. I will reclaim my time to say the gentlewoman has been a staunch advocate of this. She was thinking about an amendment. I regret that we were in a situation where we weren’t able to move the date up for a variety of reasons.

I will say this: if the banks, the credit card issuers, use the time between now and the effective date in a way that is abusive of customers, if they use the time not simply to get ready for the change that they say they need, but if they use the interim period to raise rates on people retroactively and to do other things that are abusive, to me that will be a very strong argument for speeding up the date. Now, the Senate hasn’t acted on this bill yet, and it doesn’t become law until they do and we go to conference. If we see a pattern of the credit card companies using the time lag to engage in practices that this bill seeks to stop in an excessive way, then I will urge my Senate colleagues to speed up the date and we will acquiesce.

Mr. Chairman, I now yield on this issue to one of the main advocates here, the gentleman from North Carolina (Mr. WATT).

Mr. WATT. I thank the gentleman for yielding, and I think he’s yielding to me because I made this point in the committee markup that credit card companies were engaging in negative conduct in the interim before this bill gets implemented, and Mr. FRANK made exactly the same commitment to me at that point, and we’re certainly going to push them on that.

Mr. FRANK of Massachusetts. Mr. Chairman, I will yield again to the gentlewoman from California.

Ms. LEE of California. I certainly thank you for your very strong statement.

I just want to mention that originally, as I understand it, this bill did contain a 3-month window following the date of enactment. And I want to thank Congresswoman CAROLYN MALONEY from New York for her leadership on this bill, who really understands the need to do this as quickly as possible.

The fact is, as the chairman noted, the banks know that the handwriting is on the wall. They’re boosting up fees and rates on consumers now, and we have a lot of evidence of that. And the longer we wait to ban these practices, the more our constituents will suffer.

Mr. FRANK of Massachusetts. Reclaiming my time, Mr. Chairman, if the handwriting on the wall becomes graffiti, in our view, then out comes the whitewash brush. So we’ll be very clear. We were told they needed time to get things ready. If it appears that that time is being used to take advantage of consumers and to try to get in some

last licks before the rule goes into effect, then I and I believe the overwhelming majority of the committee and of the House will urge our colleagues in the Senate to speed up the date in their version and we will acquiesce with that.

Mr. JONES. Mr. Speaker, I would like to close by thanking them again for this opportunity to bring this to the floor of the House, and I hope that the House will pass this amendment and also pass this bill. It's much needed.

Mr. WATT. Will the gentleman yield?

Mr. JONES. I yield to the gentleman from North Carolina.

Mr. WATT. I neglected to address the gentleman's amendment, Mr. Chairman.

I want to urge my strong support for the gentleman's amendment from a personal experience. I was the administrator of my brother's estate after he died more than 2 years ago. I'm still getting bills that I have paid off to credit card companies out of that estate. So it's a serious problem and I am glad he's addressing it.

Mr. JONES. Mr. Chairman, I thank the gentleman from North Carolina.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONES).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MRS. MALONEY

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-92.

Mrs. MALONEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. MALONEY:

Strike out subsection (m) of section 127B of the Truth in Lending Act (as added by section 4 of the bill) and insert the following new subsection:

“(m) OPT-IN REQUIRED FOR OVER-THE-LIMIT TRANSACTIONS IF FEES ARE IMPOSED.—

“(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan under which an over-the-limit-fee may be imposed by the creditor for any extension of credit in excess of the amount of credit authorized to be extended under such account, no such fee shall be charged unless the consumer has elected to permit the creditor, with respect to such account, to complete transactions involving the extension of credit, with respect to such account, in excess of the amount of credit authorized.

“(2) DISCLOSURE BY CREDITOR.—No election by a consumer under paragraph (1) shall take effect unless the consumer, before making such election, received a notice from the creditor of any over-the-limit fee in the form and manner, and at the time, determined by the Board.

“(3) FORM OF ELECTION.—A consumer may make the election referred to in paragraph (1) orally or in writing.

“(4) TIME OF ELECTION.—A consumer may make the election referred to in paragraph (1) at any time and it shall be effective until

the election is revoked by the consumer orally or in writing.

“(5) REGULATIONS.—

“(A) IN GENERAL.—The Board shall issue regulations allowing for the completion of over-the-limit transactions that for operational reasons exceed the credit limit by a de minimis amount, even where the cardholder has not made an election under paragraph (1).

“(B) SUBJECT TO NO FEE LIMITATION.—The regulations prescribed under subparagraph (A) shall not allow for the imposition of any fee or any rate increase based on the permitted over-the-limit transactions with respect to the account of any cardholder who has not made the election in paragraph (1).

“(C) DISCLOSURES.—The Board shall prescribe regulations governing any disclosure under this subsection.”.

The Acting CHAIR. Pursuant to House Resolution 379, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY. Mr. Chairman, I yield myself 2½ minutes.

Last week when the President met with executives of the card companies, he said that credit cards had become unnecessarily complicated for consumers, often leading them to pay more than they reasonably expect. After his meeting, his administration reached out to Congress to offer their support of the credit cardholders' bill of rights but also to offer additional amendments and provisions. The one that we are considering now is one put forth by the administration, and this would require cardholders to opt into any over-the-limit coverage on their credit card.

Our constituents are faced with a multitude of fees and penalties that can be assessed to their credit card accounts. In many cases they do not even know the fees exist because disclosure agreements can be confusing and hard to understand. A recent editorial in the New York Times called “Over the Limit” detailed one of the so-called “worst tricks” used by credit card companies, “allowing a consumer to overcharge on his or her account but when the bill arrives, the consumer has been assessed an over-the-limit fee.”

I would like to place this editorial in the RECORD.

[From the New York Times, Apr. 25, 2009]

#### OVER THE LIMIT

President Obama told banking executives this week to clean up their credit card business. He made clear that he understands the billowing anger and the huge strains placed on millions of American cardholders who face sudden interest rate spikes, hidden fees and tricky contracts that no one without a law degree and a magnifying glass can hope to master.

His promises will amount to little unless he follows through quickly to strengthen bills in Congress designed to protect credit card customers.

The president said after meeting credit card executives on Thursday that he and his economic team recognize the need for credit cards, especially in a tough economy. Small businesses often depend on the cards to order goods or meet the payroll. And consumers

have learned to enjoy instant credit at the checkout counter. But as a longtime user of credit cards himself, Mr. Obama told banking executives that it is time to reform this area of their business.

He demanded stronger protections against unfair rate increases and abusive fees along with more oversight and enforcement. He called for clarity. He wants contracts written in plain language, minus fine print or “anytime, any reason rate hikes.” He wants people to be able to compare shop online, with one option being “a plain-vanilla, easy-to-understand, simplest-terms-possible” card for the average user.

Credit card operators have long resisted such reforms, and earlier experiments with self-policing resulted in very spotty improvements. After complaints from cardholders who felt tricked by their banks, the Federal Reserve last year proposed several useful changes that will not, unfortunately, take effect until July 2010.

There's a better way to help consumers. A credit card bill of rights proposed by Democratic Representatives Barney Frank of Massachusetts and Carolyn Maloney of New York would codify many of the Fed's rules into law. It would ban interest rate increases on existing balances unless payment is more than 30 days late, and it would forbid “double-cycle billing,” which means charging interest on debts paid off the previous month.

It would also require 45 days' notice for a rate increase in most cases. An even stronger bill by Senator Christopher Dodd of Connecticut would make it harder for people under the age of 21 to get cards, far too many of whom now think plastic is simply another form of cash. It would also require creditors to apply a cardholder's payment to the balance with the highest interest rate. So far, these reforms face fierce Republican opposition, especially in the Senate.

If the president is really serious about credit card relief, he could pressure Congress to end some of the industry's worst tricks right now. Remember when credit card limits caused great embarrassment at the restaurant? These days, many cards allow the overcharge, sparing the embarrassment but socking the customer with a large fee at billing time. One solution would be to offer consumers the choice if a real ceiling that renders cards unusable above that limit.

Mr. Obama has spent a lot of time and energy trying to save the banks. He and Congress must also do more to spare their customers.

Our amendment would require credit cardholders to opt in to receive over-the-limit protection on their credit card in order for a credit card company to charge an over-the-limit fee. Additionally, the amendment allows for transactions that go over the limit to be completed for operational reasons as long as they are of a small amount. But the credit card company is not allowed to charge a fee.

□ 1245

For far too long, credit cardholders have been alone in the fight to bring reasonable standards back to credit card practices. With the passage of this amendment and the underlying bill, the Credit Cardholders' Bill of Rights, consumers will be treated more fairly by credit card issuers and will be better able to manage their accounts.

I urge a “yes” vote on this amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Chairman, here we go again taking choices away from the people that use credit cards, a very valuable tool for their personal finances. Just imagine, you are at a banquet or someplace and you give the maitre d' your credit card. Now you go over there and they put the credit card in, and it comes back rejected.

And you face the embarrassment of that, and you have called the credit company and you find out, well, you didn't opt into a service that we provide, and so we don't provide you the opportunity to go over your line of credit. You said, Well, how much was I over my line of credit? Well, I was over by \$4.

What we find today, according to the American Bankers Association, 99 percent of the people opt in or avoid opting out because they like that valuable service that they have.

So, again, what we would have here is a situation where people may not even know that this service is available to them. Maybe they are making their utility bill payment and they find out that their card was rejected because they didn't have this service. It's 2 or 3 weeks before they get a notice from their utility company and find out that their utilities are about to be shut off.

Now, this is a system that is really not broken. In fact, the Federal Reserve, in their study, when they looked at these regulations, looked at that issue, decided to leave it alone, found out it was working extremely well.

Again, we are micromanaging this process. And the big losers aren't going to be the credit card companies, who, I think, as a lot of people are trying to attack with this bill, the big losers are going to be the consumers that rely on that very valuable service.

So I am in strong opposition to the gentlewoman's amendment and urge my colleagues to vote "no."

I reserve the balance of my time.

Mrs. MALONEY. I yield the balance of my time to my good friend and colleague and coauthor of this amendment, along with the administration, DIANE WATSON.

The Acting CHAIR. The gentlewoman from California is recognized for 3 minutes.

Ms. WATSON. Mr. Chairman, I rise today in enthusiastic support for the Maloney-Watson amendment to H.R. 627.

I would like to thank her deeply for her leadership on the bill and for allowing me to join with her in her amendment.

This amendment will increase the level of fairness in the relationship between constituents and their credit card companies by limiting the ability of credit card companies to authorize transactions in excess of a consumer's credit limit.

Without this amendment, consumers have to go out of their way to opt into

an election program to stop their credit card company from authorizing over-the-limit transactions, which incur additional fees and indebtedness. This amendment will strengthen the bill by only allowing credit card companies to authorize over-the-limit transactions for consumers who specifically request the ability to do so.

I urge my colleagues to vote "yes" on this amendment to ensure American consumers are spared from additional unwanted fees and debts.

Mr. NEUGEBAUER. May I inquire how much time I have remaining.

The Acting CHAIR. The gentleman has 3 minutes.

Mr. NEUGEBAUER. I yield the balance of my time to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

I listened to the gentlelady from New York, who sponsored the bill, talk about this is a trick that credit card companies use.

Well, we don't want credit card companies to use tricks. But, you know what, Mr. Chairman? They can't use tricks if we will strengthen the competitive market and ensure consumer choice. They can't use tricks if we have an elective disclosure and we police it.

Again, I congratulate the gentlelady for that title in her bill, which, I believe, roughly parallels the rules that the Federal Reserve has promulgated after their 3-year study. Indeed, we need better disclosure.

It's better disclosure we need. We need greater consumer choice. We need strength in markets.

Also, tricks can't be used if consumers, who have effective disclosure, will take some, some responsibility to know the terms that they are agreeing to. By definition, if they agreed to accept a credit card, they are opting into terms.

Now, that's not effective today because we don't have effective disclosure. But ostensibly we have a title in this legislation, which I assume will soon be passed. If not, we have the regulations of the Federal Reserve that will ensure that we have effective disclosure, that we empower consumers.

But let's not take their choices away from them, especially when all the evidence we have seen, anecdotal, statistical, tells us that consumers overwhelmingly want this option. They want it.

So if we are already admitting today in some respects that the disclosure isn't there, you know, I don't want to have to tell them that, I am sorry, they wouldn't accept your credit card, but, you know, Congress passed a law that said you had to go read the fine print before you could go get this particular service. Again, I think that we are taking away consumer choice by doing this.

As the gentleman from Texas said, we are trying to micromanage the terms that ought to be managed within the framework of a competitive mar-

ketplace, with consumer choice, with informed consumers, with effective disclosure.

But quit protecting consumers from their choices. Quit protecting them from competition. You are making their lot worse, not better, when you do this.

So I would urge rejection of this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. NEUGEBAUER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. HENSARLING

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-92.

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. HENSARLING:

In subsection (b) of section 127B of the Truth in Lending Act (as added by section 2(b) of the bill), insert after subparagraph (D) the following new subparagraph:

“(E) TRANSPARENT ADVANCED NOTICE OF RATE INCREASE.—Notification of the increase is provided to the consumer in writing, in clear and conspicuous language, at least 90 days before the increase is scheduled to take effect, provided that the applicability of this exception is fully described to the consumer in their contract and at least once annually thereafter, in a clear and conspicuous manner.”.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a fairly simple amendment that is aimed, again, at a form of embedded price controls within this legislation.

The underlying legislation would permit interest rates to rise on existing balances under four narrow options. This amendment would say, again, within the framework that we hope to achieve of protecting the competitive marketplace, of assuring that we have effective disclosure, this amendment would say that interest rates can vary as long as, number one, the issuer has specifically reserved the right to raise rates in its contract and has communicated that to the consumer.

Number two, the issuer communicates this fact to the consumer at

least once a year, and the issuer provides the consumer clear notification 90 days in advance.

Again, this is a facet of risk-based pricing. Now, many of us believe that this has been a good thing. It has empowered consumers who previously didn't have access to credit to have access to credit.

As their circumstances change, if you do not allow risk-based pricing, you are going to take credit opportunities away from them in the middle of a credit crunch when they need it most.

Now, this gives a reasonable time period of 90 days to say, you know what? If you don't want to have this card, you have got 90 days under the old interest rate to pay off this balance and either get rid of the card, find a new card, shop for a new card, do something.

But, ultimately, if we don't pass this amendment one of three things is going to happen. Again, we are going to have a bailout, yet another bailout from Congress. And that is the 50 percent of Americans who are paying their bill on time, making at least the minimum payment at the end of each month, they are going to be punished. They are going to have to subsidize the rates for all.

Again, it's a facet of eroding risk-based pricing that takes us back to an era where interest rates were 25 percent higher, everybody had to pay the same rate. The good credit risk had to subsidize the bad credit risk and everybody had this dreaded annual fee of 20 to \$50.

We don't want to go back to that era. Assuming a competitive marketplace, and, unfortunately, this legislation, I believe, in some respects will result in a less competitive marketplace, I fear that some of the smaller issuers will be driven out of the market.

But if we can have a competitive marketplace, and if we can assure effective disclosure, then let's have the full benefits of risk-based pricing. I think some people just don't want it. They want to force those who pay their bill on time to somehow subsidize those who don't.

I fear, Mr. Chairman, that there is a lot at stake here. I mean, I hear from my constituents about how important the credit cards are to their lives, their small businesses.

I hear from a group, the family, Baker family of Rowlett, who said, "Congressman, credit cards have been my main source of financing for my small businesses for the past 13 years. Without access to this type of instant credit, I would not be able to timely meet payroll."

I mean, we have to help the small businesses.

I heard from the Weldon family of Garland. "I use my credit card just about everywhere. When I receive my monthly credit card bill, I pay the full balance. I feel this legislation concerning credit cards would be unfair to me and others who prefer to pay off their credit cards each month. Why

should we be punished for having good credit?"

Indeed, Mr. Chairman, it is a good question. Allow risk-based pricing. Don't take credit away.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

The amendment seeks to gut all of the consumer protections of the bill as long as the credit card company gives the cardholder 90 days' notice that they are going to do it. This is the exact same amendment that was defeated in the committee with unanimous opposition from the Democrats on the committee, and even a few Republicans voting in opposition.

Allowing issuers to raise interest rates retroactively for a new reason is just creating a loophole for issuers.

The bill allows issuers to impose retroactive interest rates if the cardholder fails to pay or pays 30 days late, which is the time commercial contracts deem late.

So if an issuer is harmed, they have a remedy. In the absence of harm, it's hard to see why we would give the issuer the unilateral right with 90 days' notice to raise the rate retroactively and change the deal with the cardholder.

A deal should be a deal. They shouldn't have these opportunities to change them.

As the Federal Reserve found, and this is important, this is a Federal regulator, the Federal Reserve found most retroactive rate increases are, and I quote, from the Federal Reserve, "unfair and deceptive."

In our current mortgage reform discussions, we are trying to mitigate losses by making sure borrowers can repay their loans. Retroactive rate increases do the opposite. They slam borrowers with increased debt and make it less likely that they will be able to repay and pay down the balance.

I believe the best defense against the concerns raised by my colleague is the use of sound underwriting standards by the issuers.

Additionally, nothing in the bill prohibits an issuer from lowering the credit line or canceling the card if they are worried that the cardholder will not repay.

□ 1300

The bill also allows for fees if a customer does not pay on time, for 30 days, or has their check returned. Sound underwriting and these risk mitigation tools will be far more effective in fighting the concerns the gentleman is talking about.

I would say this amendment basically guts the protections that are in the bill that have been endorsed by 54

editorial boards and endorsed by numerous regulators, including the Federal Reserve, and this simply creates a new loophole. I am deeply opposed to it, as was the committee in the committee vote with Republicans' votes.

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

Mr. HENSARLING. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. HENSARLING. Mr. Chairman, I tried to listen very closely to the gentlelady from New York, and what I think I heard was she would rather credit card companies cancel credit cards than allow my constituents to voluntarily agree to increases in their interest rate. That is not what the people of the Fifth District want to achieve. When she says, well, the credit card people are changing the deal, if it is in the agreement, that is the deal. That is the deal that allows many people to get credit in the first place and allows other people to have lower-priced credit.

Again, I believe this legislation is changing the deal on the American people, taking away their credit card options and opportunities.

I heard from the Juarez family in Mesquite. "I oppose this legislation, as I have utilized my credit cards to pay for costly oral surgeries. I do not want to get penalized by this legislation for making my payments on time."

Taking away risk-based pricing, which is disclosed, disclosed in the agreement, is punishing, punishing people like the Juarez family in Mesquite. I urge adoption of the amendment.

Mrs. MALONEY. The Federal Reserve's report on the rule they proposed, which was very similar to the bill, in it they said that disclosure in their studies was not enough; that the practices were so deceptive it was hard for many consumers to understand them and the contract is so complicated and the fine print so small that most people don't even read it. So to build in another loophole undermines the whole purpose of the bill.

This amendment was killed in the committee, and I urge my colleagues to kill it again. It should be Black Flag dead, because it guts the bill and the protections that we are trying to put in place to protect America's consumers.

I yield back the balance of my time, and I urge a "no" vote on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The amendment was rejected.

AMENDMENT NO. 10 OFFERED BY MR. HENSARLING

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-92.

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HENSARLING:

In subsection (b) of section 127B of the Truth in Lending Act (as added by section 2(b) of the bill), insert the following new paragraph after paragraph (1) (and redesignate the subsequent paragraphs accordingly):

“(2) NONAPPLICABILITY TO CERTAIN CREDITORS WHO MAKE AVAILABLE ALTERNATIVE CARD OPTIONS.—The limitations on retroactive rate increases and universal default shall not apply to any creditor that offers a credit card account to consumers under an open end consumer credit plan to the extent such creditor—

“(A) makes at least 1 credit card option available to 100 percent of the creditor’s existing consumers that does not feature retroactive rate increases or universal default billing practice; and

“(B) provides clear and conspicuous notice of the availability of a credit card option referred to in subparagraph (A) to the consumer customers of such creditor at least once annually.”.

In subsection (e) of section 127B of the Truth in Lending Act (as added by section 3(a) of the bill), insert after paragraph (3) the following new paragraph:

“(4) NONAPPLICABILITY TO CERTAIN CREDITORS WHO MAKE AVAILABLE ALTERNATIVE CARD OPTIONS.—The limitation on double cycle billing shall not apply to any creditor that offers a credit card account to consumers under an open end consumer credit plan to the extent such creditor—

“(A) makes at least 1 credit card option available to 100 percent of the creditor’s existing consumers that does not feature double cycle billing; and

“(B) provides clear and conspicuous notice of the availability of a credit card option referred to in subparagraph (A) to the consumer customers of such creditor at least once annually.”.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the underlying legislation here again seeks to erode the ability of consumers to access credit, especially those who may have checkered pasts, especially those who may be of low income. It does it by trying to restrict risk-based pricing.

Again, there was an era in our country’s history where a third fewer people had access to consumer credit through credit cards. Everybody had to pay the same universal high rate, 25 percent more than what we are seeing today. We had the dreaded annual fees. There was no such thing as airline miles, cash back, any of this.

The ability for creditors to price for what they view the risk of the consumer has opened a market for people to have credit cards who previously couldn’t have them, people who might have had to turn to pawn shops or payday lenders, who, again, serve very valuable functions in our society, but people ought to have options.

The underlying bill functionally outlaws a practice called universal default and a practice called double-cycle billing. Universal default doesn’t offend me. Double-cycle billing offends me. But I don’t feel a need to outlaw every practice in America that offends me personally, because it may not offend somebody else.

Mr. Chairman, if there is an option out there in the marketplace with 14,000 different issuers, and through every hearing, every markup, there was not one shred of evidence that we didn’t have a competitive market and that consumers had choices. Now, they may not understand their choices, and that is the disclosure issue, but they have choices.

So I don’t like double-cycle billing. I don’t think it is particularly fair and I wouldn’t choose a credit card with it. But, Mr. Chairman, you know, out there in the marketplace, people ought to have options. Somebody ought to be able to say I prefer to have a credit card with a 10 percent interest rate that has universal default and double-cycle billing in it as opposed to paying a 13 percent interest rate that doesn’t have universal default, doesn’t have double-cycle billing.

Why are we taking consumer choices away from them and why do we continue to contract credit when it is already being contracted in this economic recession? I just don’t understand that, Mr. Chairman. I do not think it is good practice. Now, universal default, some cards use it, some cards don’t. It is a risk management tool for some.

I am not in the credit card business. I don’t know what works. I just want consumers to have choices. I want there to be a competitive marketplace. I want there to be effective, fair disclosure, and I want our Federal Government to police it. And there needs to be repercussions for credit card companies that defraud, that mislead, that use deceptive practices. But for us to come in and say subjectively, well, we don’t like that practice, we think it is unfair, we think it is offensive. Well, maybe it is unfair and offensive to you, but if it allows somebody a lower interest rate, shouldn’t in the land of the free they have that option? They should have that option.

So my amendment is a simple one. It simply says if a credit card company has a credit card and they want to offer this credit card that features either universal default or double-cycle billing, as long as they offer a card that doesn’t have these features, which many consider to be unfair, unjust, then they can offer it. As long as all of their customers are offered a card without the feature, then a consumer, if they want to, can opt in to the card with these features if they think the trade-offs benefit them and their family. That is all it says. This is a consumer choice amendment, pure and simple. I urge its adoption.

I reserve the balance of my time.

Mr. GUTIERREZ. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

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

I oppose this amendment because it would essentially allow credit card insurers to circumvent most of the consumer protections in this bill, such as double-cycle billing and retroactive pricing increases, by simply making available one card that does not have these practices.

The key to this amendment is that credit card companies will not be required to offer the cards to consumers that do not include predatory practices. In other words, consumers with the highest credit scores, those that have the ability to pay and the greatest assets and income, will get the good card, the one without double billing, without retroactive price increases, and those with low credit scores will get the subprime cards that include the very deceptive practices that this bill was intended to stop. That is why I have to be in opposition to this.

It is almost as though we went through this for nothing. Allow this amendment to pass, and most of the work we have done in protecting consumers is undone.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 45 seconds.

Mr. HENSARLING. Mr. Chairman, again what I see is we are trying to protect consumers from their choices. We are trying to protect consumers from their freedom. The consumer has the option. But I do thank my friend, the distinguished chairman of the subcommittee, for adding some clarity to the debate when he says the people with the good credit ratings will get the better interest rate. That pretty well makes my bailout argument.

That is what is happening. Half of America pays their bill on time at the end of each month. Another 20 to 25 percent at least make the minimum payment. Why should they be punished? Why should they be punished with higher interest rates? Why do they have to be homogenized?

We are getting away from risk-based pricing, and what will happen if we don’t pass this amendment is, number one, we will achieve the bailout, and many people who would have received credit will no longer receive credit. I urge adoption of the amendment.

Mr. GUTIERREZ. I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding.

This is an amendment that Congressman HENSARLING offered both at the subcommittee and the full committee markups, and it was defeated both times by unanimous Democratic opposition, with even a few Republican votes in opposition to it.

Essentially what this amendment attempts is to create significant exceptions to the consumer protections offered by the underlying legislation and the final rule that was adopted by the Federal Reserve, the Office of Thrift Supervision and the National Credit Union Administrator. These three regulators have called the practices that my colleague would attempt to exempt unfair, deceptive and anticompetitive. Why would anyone in this body want to continue unfair, deceptive and anticompetitive practices? Even competition of the free market, they are saying it is anticompetitive.

I would like to point out during some of the many hearings and meetings and seven hearings that we held on the topic in the last several years, we frequently heard from academics, from regulators, that disclosure is not enough. It is too confusing. It is deceptive. Most consumers do not read the contract, they do not understand the contract, and it is worded in a way that is deceptive.

The President called for a plain vanilla card that people could understand. What this card would be that he is proposing is toxic. It would continue the bad practices and defeat the whole purpose of the bill. This amendment would create a subclass of credit cardholders who would have little to no rights.

The bill provides baseline consumer protections that everyone should enjoy. The last thing we should be doing is creating exceptions or subsets that would allow these abusive practices to continue.

It is abusive. It is wrong. This amendment should be killed Black Flag dead.

Mr. GUTIERREZ. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 1½ minutes.

Mr. GUTIERREZ. First of all, let me suggest to the gentleman from Texas (Mr. HENSARLING) that this bill is not going to prohibit credit card companies, once it is passed, to extend lines of credit at lower interest rates to those who have higher credit scores. It is just not going to do it. They will still be able to do that.

When he suggests to us that this is a choice, this is an option, there are some options and some choices we should stand up against, and this is one of those choices and one of those options, because it is going to affect those that cannot read. I am sure the gentleman would never suggest that consumers understand every point of the fine print on that credit card. It is going to be hidden there. And the Federal Reserve Board has said to us it is bad practices. It is predatory. It is not fair to simply give notice.

Lastly, look, all we are saying is, yes, we are stopping credit card companies and we are stopping consumers from having the "choice," we like to suggest the "harm" of a credit card company being able to give you 90

days' notice and say, you know the \$1,000 you took last year at 18 percent? They can say, for the whole last year that you have paid it, we are going to go retroactively and double that interest rate, and we want the money, although you have made all of the payments all year long on time, we are going to double the interest rate. Give me more money.

That is fundamentally unfair, to retroactively go back and claim money just because you can, just because you sent somebody a 90-day notice.

I urge everybody to vote against this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The amendment was rejected.

□ 1315

AMENDMENT NO. 11 OFFERED BY MR. MINNICK

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-92.

Mr. MINNICK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. MINNICK: In paragraph (2) of section 127B(a) of the Truth in Lending Act (as added by section 2(a) of the bill, strike "14th" and insert "7th".

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Idaho (Mr. MINNICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho.

Mr. MINNICK. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chair, H.R. 627 requires a creditor to provide a consumer at least 45 days' notice before increasing the consumer's credit card rate. However, in this bill the higher interest rate taking effect on day 45 applies only to the extent that the consumer's balance is more than it was at the end of 14 days after receiving the notice.

However, determining the protected balance as of day 14 may still provide enough time for consumers to incur higher overall debt than may be appropriate for them by inflating the balance that will be protected from the rate increase and, in the process, allow consumers to game the system at the expense of creditors.

This amendment would provide that the amount of the balance protected from the higher interest rate be set at the 7-day mark, instead of at 14 days. This change would still give consumers the full 45 days to shop for an alternative source of credit for a better deal, but it would reduce their ability to inappropriately inflate their balances to avoid the application of the higher rate in the event that they do not transfer their balances to another card by that time.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, we have no one to claim time in opposition.

Mr. MINNICK. Mr. Chairman, I ask that my colleagues support this amendment. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Idaho (Mr. MINNICK).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. PRICE OF NORTH CAROLINA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-92.

Mr. PRICE of North Carolina. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. PRICE of North Carolina:

After section 8, insert the following new section (and redesignate subsequent sections accordingly):

**SEC. 9. ENHANCED MINIMUM PAYMENT DISCLOSURES.**

Paragraph (11) of section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)(11)) is amended to read as follows:

"(11) MINIMUM PAYMENT DISCLOSURES.—

"(A) MINIMUM PAYMENT WARNING.—A written statement in the following form: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance.'

"(B) INFORMATION ON OUTSTANDING BALANCE.—Not less than once per calendar quarter, such billing statement shall also include repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

"(i) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

"(ii) the total cost to the consumer, including interest payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made;

"(iii) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 12 months, 24 months, and 36 months, if no further advances are made, and the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays the balance over 12, 24, or 36 months, respectively; and

"(iv) a toll-free telephone number at which the consumer may receive information about accessing credit counseling and debt management services.

"(C) EXCEPTION TO REQUIREMENTS OF SUBSECTION (B).—The quarterly disclosure requirements in subsection (B) shall not apply with respect to—

"(i) a calendar quarter if, in the 2 consecutive billing cycles preceding the end of such quarter, a consumer has paid the entire balance of the bill in full;

"(ii) a calendar quarter if, at the end of the calendar quarter, a consumer has an outstanding credit balance of zero or has a positive credit; or

"(iii) any class of consumers for which the Board has determined will not benefit substantially from additional disclosures.

“(D) APPLICABLE RATES TO BE USED IN DISCLOSURES.—

“(i) IN GENERAL.—Subject to clause (ii), in making the disclosures under subparagraph (B), the creditor shall apply the interest rate or rates in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

“(ii) SPECIAL RULE IN CASE OF TEMPORARY RATE.—If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.

“(E) FORM AND PROMINENCE OF DISCLOSURE.—All of the information described in subparagraph (B) shall—

“(i) be disclosed in the form and manner which the Board shall prescribe, by regulation, and in a manner that avoids duplication; and

“(ii) be placed in a conspicuous and prominent location on the billing statement in conspicuous typeface.

“(F) TABULAR FORMAT.—In the regulations prescribed under subparagraph (D), the Board shall require that the disclosure of such information shall be in the form of a table that—

“(i) contains clear and concise headings for each item of such information; and

“(ii) provides a clear and concise form stating each item of information required to be disclosed under each such heading.

“(G) LOCATION AND ORDER OF TABLE.—In prescribing the form of the table under subparagraph (E), the Board shall require that—

“(i) all of the information in the table, and not just a reference to the table, be placed on the billing statement, as required by this paragraph; and

“(ii) the items required to be included in the table shall be listed in the order in which such items are described in subparagraph (B).

“(H) SUBSTITUTION OF TERMINOLOGY.—In prescribing the form of the table under subparagraph (D), the Board may employ terminology which is different than the terminology used in subparagraph (B), if such terminology is more easily understood and conveys substantially the same meaning.

“(I) ‘ROUNDING’ REGULATIONS.—For purposes of determining whether an error in the disclosures required by subparagraph (B) constitutes a legal cause of action against a creditor or any other party, the standard referred to under the heading ‘Rounding assumed payments, current balance and interest charges to the nearest cent’ in the publication by the Board in the *Federal Register* (74 F.R. 5385) on January 29, 2009, of the final regulation revising part 226 of title 12 of the Code of Federal Regulations (Regulation Z), or a standard that affords substantially similar protections as determined by the Board, shall apply for purposes of the determination with regard to such disclosures.”

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from North Carolina (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself 1 minute.

Minimum payment practices, which often are deceptive at best and abusive

at worst, clearly contribute to the problem of unmanageable debt. And they need to be reined in. That’s exactly what the Price-Miller of North Carolina-Moran of Virginia-Quigley-Stupak-Sutton-Lowey amendment will do. Our amendment would ensure that consumers receive a warning of the risks of making only the minimum monthly payment and information on the total cost of paying only monthly minimum payments on their balance.

It would also require issuers to provide quarterly assessments of the monthly payments that must be made to pay off the current balance of the consumer in 1, 2 or 3 years. And it would establish consumer credit counseling and debt management services through a toll-free telephone number.

Let me assure colleagues, we’ve sought to ensure that these requirements are not too onerous for credit card companies. For example, disclosure requirements target only consumers who regularly have not paid their balances in full. Our amendment will help consumers regain control of cascading credit card debt.

So I urge colleagues to support this amendment to provide American families with the tools they need to help them manage their money effectively.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, we have no one to claim time in opposition.

Mr. PRICE of North Carolina. Mr. Chairman, I yield 1 minute to my colleague from North Carolina, who has served with distinction on the Banking Committee, BRAD MILLER.

Mr. MILLER of North Carolina. Mr. Chairman, about 35 million Americans just pay their monthly payment, the minimum monthly payment on their credit card every year. And some of the opponents of this bill may have very little sympathy for families that are deep in debt. But as our economy has produced billionaires who have done nothing of any conspicuous value to society, there are millions of American families that are working very hard and struggling to get by, and it is very tempting when they’re doing triage with their bills and they know they can’t pay everything, for their eye to skip down to the minimum monthly payment and just pay that. This bill makes sure they know what the consequences of that are. This amendment makes sure. It informs them of what kind of debt they’re going to be in, how much it’s going to cost them in interest, how long they’re going to be in debt, how deep the hole will be, and what it is going to take to get out.

I applaud Mr. PRICE for his efforts. And I urge all Members to vote for this amendment.

Mr. PRICE of North Carolina. I thank my colleague. I would like at this point to yield 1 minute to a new colleague, Representative QUIGLEY, who is already distinguishing himself as a protector of the consumer.

Mr. QUIGLEY. I rise in strong support of this amendment because today

the average American can apply for a credit card anywhere, at a grocery store, at an airport, a ballpark, even college campuses. It all seems so easy.

Unfortunately, the terms of the agreements aren’t so easy. In some cases, terms have become so complicated that the average consumer cannot always know what they’ve gotten themselves into.

Now more than ever, Americans are turning to their credit cards to get them through the end of the month, and in turn, the U.S. credit card debt has reached an all-time high.

Meanwhile, almost half of Americans carry a balance and have no idea how long it’ll take to pay that down. The Credit Cardholders’ Bill of Rights will protect consumers from predatory practices, and this specific amendment will give them the ability to pay down their debts.

I urge my colleagues to vote ‘yes’ on this amendment and the underlying bill.

Mrs. LOWEY. Mr. Chair, I rise in strong support of the amendment, of which I am a co-sponsor.

The amendment would require additional disclosure information on credit card statements. While most cardholders know it takes a great deal of time to pay off a balance by making only the minimum payment, most do not understand the total additional costs they will pay. This amendment would change that.

Based on industry norms of an 18 percent APR and 4 percent minimum payment requirement, a cardholder will spend 87 months and \$1,515 paying off a balance of \$1,000 if making only the minimum payments. The finance charges are more than 50 percent of the actual balance.

Our amendment would require that each statement have a warning on minimum payments and that every quarter, cardholders receive a statement that lists the number of months it would take to pay the entire balance if only the minimum payments are made, along with the total cost of doing so. Those statements would also have to list the necessary payment to pay off the balance in 12, 24, and 36 months, as well as a toll-free number to receive information about accessing credit counseling and debt management services.

Credit cardholders have a right to know the real cost of making only minimum payments. For that reason, I urge your support for the amendment.

I would also like to voice my strong support for the underlying bill. In recent months, Congress has been dominated by rescue and economic recovery legislation. But there are few better ways to instantly help hard-working Americans than to end costly, abusive credit card practices.

For too long, banks have saddled cardholders with deceptive marketing and fine print. The New York Consumer Protection Board reports that credit card complaints comprise more than a quarter of those it receives, and cards with debt have an average balance of \$5,700.

Because of unfair practices, one hidden fee snowballs into ballooning interest rates and thousand dollar balances that many families struggling to get by with today’s economic challenges cannot afford.

I regret that the Rules Committee did not make in order an amendment I submitted that would have applied the protections in the bill to credit cards issued to small businesses. However, this is an excellent bill that I am proud to cosponsor, and I urge your support.

Mr. MORAN of Virginia. Mr. Chair, I am pleased to be a cosponsor of Representative PRICE's amendment to H.R. 627. This is an issue on which I have worked for a number of years, so I am honored to be able to join my friend and colleague, and to urge adoption of this critical consumer protection amendment. This provision is a valuable disclosure amendment which would call for card issuers to provide three very important pieces of information to cardholders at least once per calendar quarter on their billing statements.

First, the statement would report how long it would take the cardholder to pay off the entire balance if only the minimum monthly payment is paid.

Second, the statement would report the total cost to the consumer of only making the required minimum payments, with a breakdown of the resulting principal and interest shares of the total cost.

Third, the statement would report the estimated monthly payments required for the consumer to pay off the entire balance in a period of 12, 24 and 36 months.

This is important for the more than 100 million households with revolving loan credit of nearly \$1 trillion according to the Federal Reserve, who have average credit card debt of \$7,430—particularly middle- and low-income families, who are carrying record amounts of debt—both in absolute value and as a share of their total income—and who often don't realize they are digging themselves further into debt as they make their minimum monthly payments. With the average credit card debt per card-holding household carrying a balance of \$17,103, some 49.7 million do not pay their balance in full every month. We need to make sure there is simple and clear information for these families.

In 2007 alone, there were 5.2 billion credit card solicitations mailed, a average of 36 per household. Just plain truth in disclosure warrants this important change to ensure that any family fully understands what is at stake.

I stand in support of both H.R. 627 and this amendment to it, which will require the disclosure of information to consumers that will help them to make more informed choices and to better plan their finances and thus their futures.

Mr. PRICE of North Carolina. Mr. Chairman, I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. PRICE).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. GUTIERREZ

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-92.

Mr. GUTIERREZ. Mr. Chairman, on behalf of the gentlewoman from California (Mrs. DAVIS) I offer the amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. GUTIERREZ:

Insert after section 127B(c) of the Truth in Lending Act (as added by section 2(c) of the bill) the following new subsection (and redesignate succeeding subsections accordingly):

“(d) ADVANCE NOTICE OF ACCOUNT CLOSURE.—

“(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan, a creditor may not close such account unless the creditor provides a written notice to the consumer at least 30 days before the closure takes place, and which notifies the consumer—

“(A) of the reason the account is being closed;

“(B) of any recourse that the consumer may take to prevent the account from being closed;

“(C) of any program under which the consumer may repay the balance on the account over a period of time; and

“(D) that if the consumer's account is closed, it may have an impact on the consumer's credit score.

“(2) EXCEPTION.—The requirements of paragraph (1) shall not apply in the case of a consumer request that the creditor close such account.”.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Illinois (Mr. GUTIERREZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. It's a pretty simple amendment. It would require that credit card issuers notify credit cardholders 30 days before closing their accounts, the reason that the account was closed. They put it in writing; options to keep the account open; programs available to repay the balance, and the resulting impact on their credit score that this might have. It's a pretty simple amendment. It's very consumer-oriented. It allows for more transparency between those that issue the credit card and those that receive it.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I'm somewhat uncertain, frankly, whether I am actually opposed to the underlying amendment. I think the intention is good. I just hope there's not an unintended consequence here. And so, if my friend from Illinois, the chairman of the subcommittee, would yield for a question, my concern would be this: We all know from our constituents how much identity theft is taking place in our society. I, myself, at one time have been victimized by identity theft; and many of our constituents have.

So if there is fraudulent activity, if identity theft is suspected, it at least would appear to me, in a reading of the amendment, that the credit card issuer would have to keep the account open for at least 30 days, and so I was concerned about its impact in trying to combat identity theft. That was my reading of the amendment.

And I'd be happy to yield to the gentleman from Illinois just to see if he could help explain how this would work.

Mr. GUTIERREZ. Well, let me just suggest the following: number one, I understand the gentleman's concern. And I think the amendment is a pretty good amendment, and I understand your concern.

I think we can kind of predict that you and I are probably going to the conference report once we get this, should this bill be successful, which, given precedent of last year, it looks very, very likely we're going to pass this bill here today. I've worked with you, I think, very well in the past, and obviously, I look forward to the coming years and working with you. Why don't we work out that in conference to make sure that that just doesn't happen and the consumer isn't harmed.

Mr. HENSARLING. Reclaiming my time, I certainly respect the gentleman from Illinois (Mr. GUTIERREZ). We do have an excellent working relationship. I don't know that this is a problem. I fear it may be a problem. Given his commitment that we can work on this at our conference, Mr. Chairman, I no longer oppose the amendment.

And I yield back the balance of my time.

Mr. GUTIERREZ. I yield to one of the sponsors of the bill, Mr. CARNEY from Pennsylvania, 2 minutes.

Mr. CARNEY. Mr. Chairman, I'm very glad to be able to offer this amendment with the gentlelady from California. It really is a commonsense amendment, and I do want to address the gentleman from Texas's concern that in the Truth in Lending Act it does protect banks from being victim to fraudulent accounts being opened. It doesn't cover that, but we will certainly work with the gentleman from Texas on language that would make him feel better about what we're talking about now.

Now, I've heard from a number of my constituents regarding credit card companies closing accounts in good standing for no reason other than inactivity. I'm sure many of us have constituents in the same position.

Despite the fact that you can use your credit card on just about anything anywhere, many people do that, but many people prefer to use cash. The part of Pennsylvania where I live is not a young area and it's not an urban area. We have traditional folks who like to use cash and don't like to put a lot of credit on their cards. They use the card for emergencies. They don't use it for sort of day-to-day expenses.

So not only were constituents and neighbors of mine surprised to be losing their credit card privileges, but they were concerned over potential harm to their otherwise great credit ratings due to card companies' desire to wipe inactive accounts from their books.

This amendment would protect people who supposedly underutilize their credit cards from forced closure of their accounts and negatively impacting their credit scores. It requires credit card companies to notify cardholders

at least 30 days in advance of an account closure. It also requires the card companies to tell cardholders that their account closure could adversely affect their credit rating. And it requires card companies to give cardholders guidance on how to appeal the issuer's decision to close the account. It's just a commonsense protection for cardholders. That's all it really is.

And as I addressed earlier, the gentleman from Texas has some concerns. We respect them, and as I mentioned, we're willing to work with him on that.

But in the end, I encourage all my colleagues to support this amendment.

□ 1330

Mr. GUTIERREZ. Mr. Chairman, how much time do we have left on our side? The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. GUTIERREZ. I yield 2 minutes to the chief sponsor of the legislation. Mrs. DAVIS of California. Mr. Chairman, I appreciate the time, and I certainly want to respond to my colleagues.

It's always possible to raise those kinds of concerns over fraud, and this is not intended to do that on the face of it, but we're willing to work with you, because the reality is that, if fraud is being committed, then these kinds of agreements wouldn't hold anyway, and the banks would certainly have a way of dealing with this.

The real concern here is letting consumers know what's going on with their accounts. If they have been in an experience—and we know there are many consumers who have been—where card accounts that are not being used very often are closed and where they don't know about it, then their credit scores are affected. That's one of those surprises that comes along that people aren't expecting.

This is an attempt to be transparent about it and to give people, really, the opportunity to be able to respond and to work out whatever problem exists and to move on. So we appreciate the opportunity to put this in what I think is some very important legislation.

Mr. Chairman, today Mr. GUTIERREZ, as my designee, offered a common sense amendment to H.R. 627—The Credit Card Bill of Rights Act.

This amendment warns consumers of possible reductions to their credit scores.

Currently, credit card companies are not required to notify a consumer when they decide to close an account.

Often, consumers do not know that their accounts are being closed until after the fact.

Because of the way credit scores are calculated, account closures can lower a consumer's credit score, sometimes significantly.

A reduction in a consumer's credit score can hamper his or her ability to buy a car or home, start a business, or pay for college.

Especially in today's tight credit market, a solid credit score is more important than ever.

A large number of consumers have no idea that the mere closure of a credit card can adversely impact their credit scores.

Imagine saving for a home only to discover your credit score is too low for a mortgage because of an account closure.

Consumers do not get a chance to prepare and plan their finances accordingly. This is an issue that affects all consumers and not just the elderly retiree in San Diego who first brought this to my attention.

It affects teachers, firefighters, doctors, and our men and women in uniform.

I ask unanimous consent to enter into the RECORD a recent article in the Wall Street Journal detailing this problem for consumers across the country.

The amendment Mr. GUTIERREZ offered on my behalf would require credit card companies to give consumers a 30-days advance notice that their accounts are being closed.

Within this notice, the card issuer must also include:

The reason why the account is being closed;

Options the consumer has to keep the account open;

Programs available for the consumer to repay their account balance over time;

And the fact that an account closure may impact the cardholder's credit score.

This amendment is really about informing consumers so they are not caught by surprise.

We believe that consumers have a right to know when their credit scores may be lowered so they can plan their finances accordingly.

This amendment has been endorsed by a broad coalition of consumer groups including the Center for Responsible Lending, Consumer Federation of America, and U.S. PIRG.

I thank Congressman CARNEY for all the hard work he has put into this amendment. It has been a pleasure working with you and your office in this effort.

I urge the adoption of this amendment.

[From the Wall Street Journal, Mar. 11, 2009]

CREDIT CARD ISSUERS: BUY SOMETHING OR ELSE!

(By Kelli B. Grant)

One of the biggest causes of the financial crisis was that Americans were borrowing (and spending) more money than they could afford to pay back.

So how are credit-card issuers reacting to consumers' attempts to live a more financially responsible lifestyle? They're threatening to cut their credit cards off if they don't spend enough.

Loretta Maxwell of Troy, Mich., thought her credit score of 790 buffered her against most of the fallout of the credit crunch. When Chase closed her \$6,000-limit card in December without warning after two years of inactivity, she called to fight it. She was unsuccessful. "If you're not using it, they entice you to do so, and then the moment you don't spend enough, they cut your limit," she says. (Chase says it is standard practice is to review inactive accounts. "Inactive cards with large open credit lines present a real risk of fraudulent use and large potential liabilities for Chase," says spokeswoman Stephanie Jacobson.)

Maxwell's experience is far from an isolated incident. Most major issuers, including Chase, Bank of America, American Express and Citibank have been slashing credit lines and closing the accounts of those who don't spend on their card regularly. While these issuers are required to notify you in writing of an account closing, there's no requirement that they do so in advance. Even when they do give early notice, the only way a cardholder can stop their account from getting shut down is to start spending again.

In December, Discover reported that it closed three million accounts during 2008 due to inactivity, and plans to cull up to two

million more. A Discover spokeswoman says the issuer is constantly reevaluating cardholder's credit and assessing whether they have the most appropriate credit line and product. Capital One is suspending accounts that have been inactive for at least a year, warning account holders they only have 60 days to redeem their rewards. "Some of these accounts had literally never been used," says spokeswoman Pamela Girardo. A spokeswoman for Bank of America, meanwhile, says the bad economy prompted it to close accounts with zero balances that have been inactive for more than a year. American Express spokeswoman Lisa Gonzalez says it periodically reviews inactive accounts for cancellation. Citibank did not respond to requests for comment.

From a business perspective, cutting off certain customers is a smart financial move, says Sanjay Sakhrani, an analyst with investment bank Keefe, Bruyette & Woods. Closing rarely-used accounts lowers a card issuer's risk profile by keeping their potential liabilities (i.e., the amount of credit available they extend to cardholders) from outweighing their assets. Inactive accounts also cost the issuer money to maintain, without providing the benefit of income from interest or merchant fees, he says.

For consumers, however, closing accounts can be devastating—especially to their credit score. Your credit utilization ratio the amount of your debt in relation to the amount of your available credit—comprises 30% of your score, says Craig Watts, a spokesman for Fair Isaac Corporation, the company that calculates and issues the FICO credit score that most lenders use. So when an account is closed, you have less credit available to you—and the ratio immediately jumps higher. A person with a solid credit score of 720 or so, whose utilization ratio jumps from 35% to 75% after one of their accounts is closed is likely see their score drop by "several dozen points," to somewhere in the 600s, he says. That's a far cry from the 760 (or higher) consumers need to get the best rates from lenders.

One thing that somewhat softens the blow is that FICO factors in closed accounts when calculating the longevity of your credit history, which accounts for 15% of your score. While lenders may make a note on your report indicating whether the account was closed by them or you, the information isn't used in the scoring formula, says Watts.

Ironically, an excellent credit score can actually serve as more of a bulls-eye than a shield, says Dennis Moroney, a research director and senior analyst for consulting firm Tower Group. He says banks figure they can limit cardholder backlash by targeting consumers with few debts and plenty of other accounts. That way, a closed account won't have as much of a detrimental effect on their creditworthiness.

Even years of loyalty and regular spending won't spare some cardholders. David Good of Houston, used to be devoted to American Express, with which he had two credit cards: an unlimited charge account and a \$7,500 revolving account. Yet a solid credit score, eight years of on-time payments and fairly frequent purchases on the cards—including more than \$100,000 last year alone—weren't enough to save his accounts. In December, Good received a written notice that the issuer had closed both due to "low activity in the past six months." "I was shocked," he says. "They lost my trust, totally." (American Express declined to comment on Good's or any other individual's accounts.)

New Yorker Veronica Eady Famira was vacationing in Germany when she discovered that her \$1,500-limit Delta SkyMiles card from American Express had been shut down. "I must have spent \$300 in cellphone charges

calling banks," she says. "I was pretty stranded." Adding insult to injury, Famira had just earned a free companion ticket on the card valued at up to \$400 for a domestic flight—now she can't redeem the ticket.

Mr. GUTIERREZ. Mr. Chairman, we yield back the balance of our time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. GUTIERREZ).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. PERRIELLO  
The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111-92.

Mr. PERRIELLO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. PERRIELLO:

In subsection (c) of section 127B of the Truth in Lending Act (as added by section 2(c) of the bill) insert after paragraph (2) the following new paragraph:

(3) MINIMUM TERM FOR PROMOTIONAL RATES.—In the case of a promotional rate, no written notice under paragraph (1) of an increase in any annual percentage rate of interest on any credit card account under an open end consumer credit plan shall be effective before the end of a 6-month period beginning from the date the promotional rate takes effect.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Virginia (Mr. PERRIELLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. PERRIELLO. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of my amendment requiring credit card companies to have a 6-month minimum period for promotional rates.

Credit card companies should not have the right to take advantage of consumers with their confusing policies. Today, the voices of accountability and common sense have a chance to fight back against many of the problems that got us into this economic mess in the first place. If you can't sell a product without tricks and traps, this is the kind of place where consumer protection must come in to ensure a well-functioning free market.

This is a simple amendment that represents the common sense that is greatly needed. Credit card companies should not be allowed to trick consumers around with short-term promotional rates that confuse them. A 6-month minimum is a reasonable period of time to expect these so-called "teaser rates" to last.

It also includes a 45-day notice before any rate change is implemented. Middle class Americans are facing difficult economic times, and many factors have caused the current economic crisis, but soaring debt is near the top of that list.

One group particularly targeted by these rates is that of young people, our students, who get caught in a cycle of debt early in life. Instead of using

those first earning years as a time to save up and to be able to afford a down payment on a home, we see people caught in a cycle of credit card debt, then taking a zero-interest loan or a zero down payment on a home, and that cycle of debt continues.

I believe this is a day where we can start to fight back for Main Street over Wall Street and put common sense over greed to protect the American family.

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

Mr. HENSARLING. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

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

Mr. Chairman, I listened carefully to the gentleman, and I appreciate the intent of his particular amendment, but I fear, again, that this will be one more in a series of amendments that may have unintended consequences.

I heard the gentleman, as well as other speakers on the other side of the aisle, say they want to prevent tricks by the credit card companies. I think that is one of the few items, besides renaming a post office, that could receive a unanimous vote in this institution.

Out of, I believe, 1,200 pages of Federal Reserve regulations where they spent 3 years studying the issues, we will have disclosure under the Federal Reserve regulations that will prevent such tricks unless one defines the actual period of a teaser rate to be a trick. I believe a consumer can understand the difference between 1 month, 6 months, 6 years, and 12 years. Let the consumer choose.

Let me tell you what I believe the practical result of this amendment will be. Particularly those who may have a more checkered credit past, consumers, instead of having the ability to have a teaser rate—and I'm just using numbers for an example—at 8 percent for 3 months that then goes up to 15 percent for 9 months—they'll just end up having to pay 15 percent for the whole 12 months. They'll lose consumer choice. They'll lose that opportunity.

Now, some maintain that there are some concepts—and I've heard it said from friends on the other side of the aisle—certain aspects of their credit card agreements that consumers just can't understand. They're just too difficult to understand. Again, I congratulate the gentlelady from New York, yet again, for having a disclosure title, I believe, very roughly equivalent to that of the Federal Reserve's. This is a problem that can be solved with disclosure.

Empower the consumers. Don't take away their options. Empower the consumers with effective disclosure, and let them choose in a competitive marketplace. Let there be competition. Again, today, I can understand how consumers are confused. These forms are so long. They're written in legalese. It's easy to hide it. The answer is effective disclosure. The answer is not an arbitrary date on how long a teaser rate ought to be.

What you are doing is protecting the consumer out of having any opportunity of having a teaser rate. A teaser rate, when averaged with the other rate, again gives you an average of what the interest rate would be for a year. If you pass this, there is going to be a universe of consumers who are going to end up paying more, paying more on average for their credit than they otherwise would. So I urge rejection of the amendment.

I reserve the balance of my time.

Mr. PERRIELLO. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Well, I heard my friend from Texas with mixed emotions. I liked the part of it where he said to trust the individual to make his or her economic decisions and to not interfere, and I hope when the bill I am sponsoring to repeal the ban on Internet gambling comes up that that sentiment doesn't die, because some people don't like the choices people would make. I would like to empower consumers. Congress passed a law that said, if you want to gamble with your own money on the Internet and you're 53 years old, you can't do it. So I welcome this kind of consumer choice, but that's, I think, a more clear-cut choice than this one.

The gentleman from Texas confidently says that, if you have this, there will be no teaser rates for a lot of people. I do not think there is any basis on which he can say that.

I am reminded of what Lord Melbourne said about Macaulay in the 19th century: "I wish I could be as sure of anything as he is of everything."

There is no basis for saying there will be no more teaser rates. As a matter of fact, a rate that only lasts 2 months or 3 months is likely to be a confusing thing to people, and he says that a consumer can tell. There still will be disclosure, but it will still come with a blizzard, and it will still come in ways that may not be clear to people.

The fact is that a 6-month minimum is a way to make sure that the product being offered is a sensible and thoughtful product that will not mislead some people. The fact is that not all consumers are of equal education, of equal ability to discriminate, of equal financial literacy. Yes, I think we should work to the point where people are as well educated as they should be, but that's not the case now.

You have to ask yourself, Mr. Chairman: Why would someone offer a 2-month teaser rate other than to try and bait and switch people into a higher rate?

I congratulate the gentleman from Virginia. This is a very thoughtful amendment. He has been working with the Obama administration. It comes with their strong support, and he is to be congratulated for an important consumer protection motion.

Mr. HENSARLING. Mr. Chairman, one, what I believed I said in my comment is that, for some universe of people, they would lose their teaser rates under this legislation. I listened to the chairman spend a fair amount of his time debating Internet gambling, which I do not believe is on the floor at this time; but if the chairman is so supportive of having consumer choice, I don't understand why we just spent a day and a half in markup in his committee taking away consumers' choice in the mortgage market. So we will continue to have this debate throughout.

Again, it's a simple argument. I believe that we can have effective disclosure and can allow consumers to make choices. If they're not allowed, if this type of arbitrary date is imposed, some universe of borrowers will probably lose their teaser rates and will effectively end up paying more, which will restrict their options. Again, I urge rejection of the amendment.

I reserve the balance of my time.

Mr. PERRIELLO. I would like to inquire if the gentleman has additional speakers.

Mr. HENSARLING. No.

Mr. PERRIELLO. I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, may I inquire as to who has the right to close.

The Acting CHAIR. The gentleman from Texas has the right to close.

Mr. HENSARLING. In this case, I continue to reserve.

Mr. PERRIELLO. Mr. Chairman, I ask for my colleagues to support this amendment.

I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, I urge rejection of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. PERRIELLO). The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. SCHAUER

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 111-92.

Mr. SCHAUER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SCHAUER:

After section 8, insert the following new section (and redesignate the subsequent sections accordingly):

**SEC. 9. POSTING INFORMATION ON THE INTERNET.**

Section 122 of the Truth in Lending Act (U.S.C. 1632) is amended by adding at the end the following new subsection:

“(d) INTERNET POSTING OF CREDIT CARD AGREEMENTS.—

“(1) POSTING AGREEMENTS.—A creditor shall establish and maintain an Internet site on which the creditor will post the written agreement between the creditor and the consumer for each open-end consumer credit plan not secured by a dwelling that has a credit card feature.

“(2) PROVIDING COPY OF CONTRACTS TO THE BOARD.—A creditor shall provide to the Board in electronic format, the consumer credit card agreements that the creditor publishes on the creditor's Internet site.

“(3) RECORD REPOSITORY.—The Board shall establish and maintain on its publically available Internet site a central repository of the consumer credit card agreements received from the creditors pursuant to this subsection and such agreements shall be easily accessible and retrievable.

“(4) EXCEPTION.—Paragraphs (1) and (2) shall not apply to individually negotiated changes to contractual terms, such as individually-modified workouts or renegotiations of amounts owed by a consumer under an open end consumer credit plan.

“(5) REGULATIONS.—The Board, in consultation with the other agencies described in section 108 and the Federal Trade Commission, may prescribe regulations to implement this subsection, including—

“(A) specifying the format for posting the agreements on the creditor's Internet site; and

“(B) establishing exceptions to paragraphs (1) and (2) in cases where the administrative burden outweighs the benefit of increased transparency, such as where a credit card plan has a de minimis number of consumer account holders”.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Michigan (Mr. SCHAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. SCHAUER. I yield myself 2 minutes.

Mr. Chairman, first, let me congratulate my distinguished colleague from New York for her leadership on bringing forward this important and timely bill. I'm proud to be a cosponsor of the credit cardholders' bill of rights.

I've heard from many of my constituents in Michigan, as I'm certain all of you have heard from your constituents, who have found themselves being misled by the credit card companies and being subjected to usurious rates. Americans are hurting, Michiganders especially, and they need our help. This bill is a critical step in providing that relief. Mr. Chairman, my amendment is a simple, two-part amendment that will help consumers make good choices when they get a credit card.

First, it requires credit card companies to post their agreement disclosures on their Web sites. Second, it requires a company to transmit that information to the Federal Reserve Board so that the board can compile those agreements and post them on the board's Web site. Together, these provisions provide important disclosure and transparency to the public, and they are an important resource for consumers so that they can easily be informed of tricks and traps that may exist within their credit card contracts or so that they can shop for the best possible deal for credit cards.

The goal is to provide consumers with direct public information and transparency regarding the interest rates that companies charge for their credit cards. This will allow one-stop shopping for good, fair rates.

Mr. Chairman, our people are hurting. Unemployment in my State is approaching 13 percent, and it's much higher than that in parts of my district. My amendment is a simple, straightforward step, and I ask for your support.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

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

Mr. Chairman, I'm not completely certain that I actually oppose the amendment. I do have a couple of concerns.

One, I want to congratulate the gentleman for the thrust of his amendment, and indeed, we want to ensure that our consumers are empowered and that our consumers have proper disclosure.

There are a number of reasons why consumers do not understand the disclosure forms that they have today, one of which is there are misleading and deceptive practices by credit card companies. We all agree on that.

Another reason, though, is that, day after day and with the noblest of intentions, we mandate more disclosures. I'm just somewhat fearful—and not that this is not necessarily good information—that the combined impact will turn what otherwise might be a 2- to 3-page disclosure that a consumer might actually take the time to read into a 30- to 45-page behemoth that no one will take the time to read.

Again, I congratulate the gentleman for his intent and for his thrust. I'm not going to oppose the amendment, but I do want to articulate the concern again that we really want to emphasize that the most important aspects of a consumer's relationship with his credit card company are disclosed so that we can get focused there. In the average mortgage disclosure, there is so much disclosure, that people see a dizzying array of documents and pay attention to none of them.

□ 1345

I have always been an advocate for the succinct, effective disclosure written in plain English, not necessarily voluminous disclosure written in legalese.

I would also say that particularly for my friends on the other side of the aisle that have been extolling the virtues of the Federal Reserve throughout this debate, that through their rule-making, I believe that they have already addressed this issue. They did spend more time studying it than we did. I personally don't know. I didn't see the evidence of how much demand there is for consumers for this information. I don't know the answer to that.

One other aspect I would bring up besides the fact that we need to ensure that we're having effective disclosure. I am not indifferent as to the increased

regulatory burden on our small community banks. Two Congresses ago, I had the opportunity to be the lead sponsor and write regulatory relief legislation for our small community banks. We have about half of what we had, I believe, 20 years ago. And so I am always a little concerned, too, in making sure that the benefits of an amendment or legislation are worth the cost. I don't want to continue to see more community banks get out of the credit card business because it's an extra cost here, it's an extra cost there. They don't have the personnel, and I just always want to be sensitive to the fact that I do not want to reduce competition down.

I don't see the distinguished chairman of the full committee on the floor today at this moment, but I know that he often jokes about that one day we may change our name to the "bank committee" because there will only be one bank left in America.

So, again, I just want to show sensitivity, and I don't know if there is any kind of program for our smaller banks. I know on a number of pieces of legislation there are exclusions for small businesses. I don't see that in the language here. And again, I am not going to oppose this particular amendment, but I did want to articulate concerns that I hope will be taken to heart by the majority, things that they could consider as this goes into conference.

At this moment, I will reserve the balance of my time.

Mr. SCHAUER. I appreciate the comments from the gentleman from Texas in support of the amendment. My amendment doesn't change the content of the disclosure, only its dissemination through a Web site that the Federal Reserve Board would collect and post those disclosures.

Mr. Chairman, I am happy to yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. First of all, I want to thank the gentleman from Michigan for introducing this amendment. I think, first of all, probably the most junior member of my staff—they are all really bright—but the most recent graduate from college can probably go on the computer and somehow transcribe a document because the consumers—I don't want anybody to be led to believe that somehow this bill of rights isn't going to give the consumers the agreement. They are going to have every right to the agreement, and the banks are going to have to print the agreements and give it to people, except the agreements are going to be easier to read and understand. So I think a junior member can put that on a computer and Web site.

Having said that, again, Mr. HENSARLING—I hope that I have done a good enough job today, and I know he's always done a good enough job on his side, and we will take a look at that. If there is some onerous cost, we will take a look at that. But I have a funny feeling that there is a template out

there that's going to be given to these smaller institutions. And I thank the gentleman for not opposing the amendment.

Mr. HENSARLING. Mr. Chairman, who has the right to close?

The Acting CHAIR. The gentleman from Texas has the right to close.

Mr. HENSARLING. Then I will continue to reserve.

Mr. SCHAUER. Mr. Chairman, I ask that my colleagues support this amendment.

I yield back my time.

Mr. HENSARLING. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. SCHAUER).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. TEAGUE

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 111-92.

Mr. TEAGUE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. TEAGUE: After section 8, insert the following new section (and redesignate subsequent sections accordingly):

**SEC. 9. REGULATIONS RELATING TO ACTIVE DUTY MILITARY CONSUMERS AND RECENTLY DISABLED VETERANS.**

Section 127B of the Truth in Lending Act is amended by inserting after subsection (p) (as added by section 6) the following new subsection:

“(q) REGULATIONS RELATING TO ACTIVE DUTY MILITARY CONSUMERS AND RECENTLY DISABLED VETERANS.—In the case of any credit card account, under an open end consumer credit plan, held by any veteran receiving compensation for a service-connected disability (as such terms are defined in section 101 of title 38, United States Code) that occurred less than 2 years before or any active duty military consumer (as defined in section 603(q)(2) of this Act), the Board shall prescribe regulations that prohibits the creditor with respect to such account from making adverse reports to any consumer reporting agency with respect while the consumer maintains status as such a veteran or as an active duty military consumer.”.

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from New Mexico (Mr. TEAGUE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. TEAGUE. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today to offer an amendment along with my friends, Congressmen NYE, KISSELL and BOCCIERI, that has three principal attributes. One is it's common sense. It does what is right and it helps out our Nation's veterans. Specifically, the amendment stops credit card companies from bringing down the credit scores of deployed soldiers and disabled veterans during the first 2 years of their disability.

Mr. Chairman, one of the time-honored commitments we make to our vet-

erans is after they do the dangerous work of protecting our national security, we, as a country, ensure their economic security. When a soldier is fighting in the mountains of Afghanistan or the deserts of Iraq, he or she does not have access to regular mail service nor the ability to tend to the everyday financial pressures of home.

Likewise, when an injured veteran is adjusting to life with his or her disability, there is often a period of economic vulnerability where the costs pile up and sometimes you just don't get to every last letter in the mail.

When veterans return home, they should do so with the confidence that their credit history allows them to open a business, buy a house or a truck. If they were late on some payments while serving their country or recovering from a severe injury, that shouldn't prevent them from pursuing the American Dream. No commercial credit rating agency can be equipped to account for the intangibles of combat service and recovering from service-connected injuries.

Economic opportunity for veterans should not be a question of mistakes that they may have made during deployment or recovery. It should be a question of their service.

I urge my colleagues to pass this amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. HENSARLING. Mr. Chairman, I may be reluctantly opposed to the gentleman's amendment.

First, let me congratulate the gentleman from New Mexico. I have said other times that people had a noble purpose in their amendment. Of all amendments I have seen, this certainly has the most noble purpose, the most noble intent. No one who dons our Nation's uniform and fights for freedom, protects America's security ought to somehow be harmed because they missed a payment while they were taking on their Nation's duty. I certainly agree with the intent of the gentleman's legislation.

I have a couple of concerns, though, because I believe that this would be the first time that we are asking credit card bureaus to hide information.

I am just curious. Is there not another way to protect our brave men and women in uniform than setting the precedent of keeping accurate information away from a credit file which allows people to access credit in the first place? I am not an expert on it, but others who serve on the committee have informed me that this situation has been addressed under the Civil Relief Act. I know that military, Active Duty military, can append to their credit file that they are indeed in harm's way.

I would be happy to work with the gentleman for a program in DOD that would help ensure, again, that whatever type of resources are needed to ensure that people do not default on their

credit obligations while they are in harm's way, that's something I would want to support. I would want to go to the Appropriations Committee and ask them to appropriate funds to assure that this is done.

Clearly, we want to be sensitive to our Active Duty personnel. It's the most important thing we can do in this institution is protect the Nation from all enemies, foreign and domestic.

So I want to achieve the gentleman's goal, but I wonder if it might not have the unintended consequence of, perhaps, making credit even less available to our military personnel if, for some reason, the creditor community started believing that they were no longer receiving accurate information.

So I don't have a solution at my hand, and I admit that. But I do continue to be concerned that there may be unintended consequences here.

I reserve the balance of my time.

Mr. TEAGUE. Mr. Chairman, I yield 1½ minutes to my friend from Ohio (Mr. BOCCIERI).

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

Mr. BOCCIERI. They are fighting for us; now we have to fight for them. Every day, thousands of brave Americans are asked to leave the comfort and safety of their homes and families to fight for our freedom abroad. Oftentimes, those soldiers leave behind families who are surviving on credit cards to put food on the table or to clothe their kids as they send them off to school.

Some of those brave soldiers are deployed to the Middle East and then they are deployed to a forward-operating base. As a C-130 pilot, I delivered mail to those austere and sometimes remote locations. No, our soldiers in the battle every day don't have time to affix a stamp and send off a bill or a statement, their credit card bills, back to America. But while those soldiers are dodging bullets and IEDs and RPGs, they shouldn't be concerned about whether they sent their Visa bill on time. Frankly, they are under enough pressure. I know the stresses of a battlefield, and our soldiers shouldn't have to fight the credit card companies when they return because they were defending our country when their bill was due.

So I ask you, we've heard a lot about how this bill and amendments could create unintended consequences. Are we going to allow our soldiers and our brave men and women serving in our Nation's uniform to be victims of unintended consequences because they are overseas fighting?

The industry should be proud to stand by the soldiers and veterans who defend their ability to operate in a safe and secure environment led by a freely elected government. The industry should be willing to take the extra step, go the extra mile to show leniency to the military members who put their lives on the line.

Mr. HENSARLING. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 3 minutes remaining.

Mr. HENSARLING. I will continue to reserve.

Mr. TEAGUE. Mr. Chairman, I yield 1½ minutes to my friend from Virginia (Mr. NYE).

Mr. NYE. Mr. Chairman, I would like to thank my colleague from New Mexico for his hard work on this amendment and for yielding.

Earlier this month, I had the opportunity to visit two forward-operating bases in the eastern part of Afghanistan, and it's true our troops today can keep in touch with home more easily than ever before. But the reality of patrolling the border along Pakistan means that sometimes payment dates will be missed.

Quite frankly, our troops deployed overseas have more important things to do than worry about a credit score. Their only concern should be to complete their missions and come home safely.

The same is true for injured veterans. As service-disabled veterans work to readjust to civilian life, they often face serious challenges finding a job, going through therapy, and working to recover from their injuries. We should do everything in our power to help them recover and rebuild. That's what this amendment will do.

I urge my colleagues to join me in supporting this amendment and supporting our troops overseas and our injured veterans back home.

□ 1400

Mr. HENSARLING. Mr. Chairman, I was listening carefully to the previous speakers. And again, I could not agree with them more in sharing their desire to ensure that this is not a problem. No one on Active Duty should be worrying about paying for their credit card bills. But I do continue to ask the question, is this the single best remedy?

Now, I'm not sure that any credit card company in America would be so stupid as to go and consciously ping somebody who is fighting for freedom in Afghanistan or Iraq. Wait until the local newspaper or local television station finds out about that. I would say some PR department would be working overtime.

But again, the thing that disturbs me here—and I want to solve the problem. Again, I admit, I am not an expert on what resources may be available at the Pentagon. I don't know if there couldn't be somehow automatic payment through the paycheck. If we need to set up money to loan our soldiers to ensure their bills are paid when they are overseas, I would be happy to support that.

But in some respects, you are asking credit bureaus to, in some respects, deceive creditors because they have information and you are telling them you are not allowed to give accurate information. Now, I don't want them to

act adversely, but the precedent of essentially saying that you can now put misleading information into the market disturbs me greatly. I just would hope that there would be an alternative solution than this particular amendment, again, with the noblest of intentions.

I reserve the balance of my time.

Mr. TEAGUE. My concern is that penalizing veterans for missing payments while they are in combat or recovering from an injury is not an accurate way of determining their creditworthiness. However, I do look forward to working in conference to address some of these valid concerns.

The amendment requires the Federal Reserve to write the rules that accomplish the goals of this amendment, and we will work closely with the Fed.

Once again, Mr. Chairman, I encourage all of my colleagues to vote for this amendment.

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

Mr. HENSARLING. Again, I want to congratulate my friend from New Mexico and his leadership on this issue.

This is absolutely, positively, unequivocally something that the Federal Reserve has to look into. I don't care if it affects only one soldier, sailor or airman in the entire Nation, this problem must be solved.

I continue to have reservations on this particular solution and its potential unintended consequences. I will most reluctantly urge a "no" vote at this time and hopefully have a commitment, particularly those who serve on our Armed Services Committee and our Appropriations Committee, to maybe find out if there is a less onerous way to treat what is a very, very serious problem.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. TEAGUE).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. SCHOCK

The Acting CHAIR (Mr. SERRANO). It is now in order to consider amendment No. 17 printed in House Report 111-92.

Mr. SCHOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 Offered by Mr. SCHOCK:

In the subsection heading for section 3(d), strike "BEFORE" and insert "AFTER".

In the subsection heading of subsection (h) of section 127B of the Truth in Lending Act (as added by section 3(d)), strike "BEFORE" and insert "AFTER".

In paragraph (1) of section 127B(h) of the Truth in Lending Act (as added by section 3(d))—

(1) strike "may not furnish any information to" and insert "shall remove any information furnished to"; and

(2) strike "until the credit card has been used or activated by the consumer" and insert "if the consumer has not used or activated the account and the consumer contacts the creditor within 45 days of the establishment of the account to close the account".

The Acting CHAIR. Pursuant to House Resolution 379, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from Illinois.

Mr. SCHOCK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment I offer today is really targeted at reducing identity theft and ensuring that consumers have the appropriate information they need to make themselves aware of inappropriate activity on their accounts that may be opened in their name.

As the current legislation stands, it leaves inactivated credit cards off of credit reporting altogether. The legislation would allow a potential identity thief to apply for and obtain numerous credit cards in someone else's name, accruing massive lines of credit, all with the intention of opening each credit card at once and simultaneously spending massive amounts of that victim's money and then disappearing, as often is the case, which ruins the victim's credit history and oftentimes costs the victim thousands of dollars.

My amendment ensures consumers are aware of credit activity made in their name by removing the requirement that open lines of credit are not reported to the credit bureaus until the issued credit card is activated.

Now, identity theft is a real problem. As an individual who has had my identity stolen, I can tell you that it is also a very costly problem. Eight million Americans were victims of identity theft in 2005, and over 2 million of those 8 million victims were victims because new accounts were opened in their names that they were not made aware of.

The Federal Trade Commission also states that a quarter of those victims' problems were exacerbated because they were not made aware of the problems for over 6 months. The underlying legislation will only exacerbate that without this amendment.

The Federal Trade Commission goes on in the report that they encourage consumers to stay vigilant in protecting their identity through two ways; one is monitoring accounts that you didn't open and debts on your accounts that you can't explain. Well, Mr. Chairman, my amendment does exactly that by ensuring consumers continue to have the information about these accounts that would otherwise have been applied in their name but up until this point would not be noted on their credit account. Under the 2003 Fair Credit Reporting Act passed by Congress, consumers are allowed this information free of charge. And with the amendment I offer here today, they will be given that information in advance of any adverse credit effects that a potential identity thief could be trying.

Mr. Chairman, I urge a "yes" vote, and I reserve the balance of my time.

Mr. GUTIERREZ. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. GUTIERREZ. Mr. Chairman, I yield myself 2 minutes.

The bill prohibits a creditor from providing information about a new credit card to consumer reporting until the consumer uses or activates the card. I think the intention is excellent. I don't know that you are going to reach it through this amendment.

I am going to look forward to speaking to the gentleman. And as the chairman of the Subcommittee on Financial Institutions, I look forward to working with him to make sure that we actually reach your goal. I think credit card companies should be able to allow that information to be removed. Moreover, the reporting agencies should remove that information, and it should be done quickly and swiftly, and we should look at measures to do that.

I am not going to oppose or ask people to oppose this particular amendment here this afternoon. I just want to share with the gentleman that I am going to vote "yes" on it—and hopefully we won't have a recorded vote and it will become part of the bill. We can then work on it. And if we can't, I would suggest to the gentleman that we sit down and figure out a way to get there, just in case I'm wrong, you're right; you're wrong, I'm right. We should continue this conversation.

I reserve the balance of my time.

Mr. SCHOCK. I urge passage, Mr. Chairman, and I yield back the balance of my time.

Mr. GUTIERREZ. I yield 2 minutes to the gentlady from New York, CAROLYN MALONEY.

Mrs. MALONEY. I thank the gentleman for yielding.

Mr. Chairman, I am generally in support of what my colleague from Illinois is attempting to do, but I do have concerns that too few consumers would take advantage of this provision or even know that it was available to them. I am going to be supporting your amendment, but I would like to work with you in further refining it.

I know the main concern that has been raised about this provision has focused on preventing fraud. And I fully support efforts to prevent fraud, and I am willing to work with you going forward to ensure that consumers know of their right to reject the card and have this information removed from the credit report.

I would also like to take this time to explain why this provision was added to the bill and why I believe it is necessary in one form or another.

Right now, consumers generally do not know the full terms and conditions of their credit card until they have been issued the card. And once a card has been issued, the card is reported on the consumer's credit report, regardless of whether the consumer uses the card or not. The bill would allow an

issuer to report a consumer's application for a credit card, but would not allow an issuer to report the approval of the credit card to the credit bureaus until the card has been activated or used.

Consumers should not have open lines of credit listed on their credit report if they have no intention of ever using the card. And while I appreciate the gentleman's amendment and will maintain this going forward, I just want to ensure consumers receive adequate disclosures relating to this. And so I will be supporting your amendment, and we can help work on further disclosures.

Mr. GUTIERREZ. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-92 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Ms. SLAUGHTER of New York.

Amendment No. 8 by Mrs. MALONEY of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MS. SLAUGHTER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 154, not voting 9, as follows:

[Roll No. 225]

AYES—276

Abercrombie	Brown (SC)	Cohen
Ackerman	Brown, Corrine	Cole
Adler (NJ)	Brown-Waite,	Connolly (VA)
Andrews	Ginny	Conyers
Arcuri	Buchanan	Cooper
Baca	Butterfield	Costa
Baird	Buyer	Costello
Baldwin	Camp	Courtney
Barrow	Cao	Crenshaw
Barton (TX)	Capito	Crowley
Becerra	Capps	Cuellar
Berkley	Capuano	Cummings
Berman	Cardoza	Dahlkemper
Bishop (GA)	Carnahan	Davis (AL)
Bishop (NY)	Carney	Davis (CA)
Blumenauer	Carson (IN)	Davis (IL)
Bocciari	Castor (FL)	Davis (TN)
Bono Mack	Chandler	Deal (GA)
Boren	Christensen	DeFazio
Boswell	Clarke	DeGette
Boucher	Clay	Delahunt
Brady (PA)	Cleaver	DeLauro
Bralley (IA)	Clyburn	Dent



Goodlatte	Marchant	Roskam
Graves	Markey (CO)	Royce
Guthrie	Matheson	Ryan (WI)
Hall (TX)	McCarthy (CA)	Salazar
Harper	McCarthy (NY)	Scalise
Hastings (WA)	McClintock	Schmidt
Heller	McCotter	Schock
Hensarling	McHenry	Sensenbrenner
Herger	McKeon	Sessions
Hoekstra	McMahon	Shadegg
Hunter	McMorris	Shimkus
Inglis	Rodgers	Shuler
Issa	Mica	Shuster
Jenkins	Miller (FL)	Simpson
Johnson (IL)	Miller (MI)	Skelton
Johnson, Sam	Miller, Gary	Smith (NE)
Jordan (OH)	Minnick	Smith (TX)
King (IA)	Moran (KS)	Souder
Kirk	Murphy, Tim	Space
Kline (MN)	Myrick	Sullivan
Lamborn	Neugebauer	Tanner
Lance	Nunes	Thompson (PA)
LaTourette	Olson	Tiberi
Latta	Paul	Upton
Lee (NY)	Paulsen	Walden
Lewis (CA)	Pence	Wamp
Linder	Pitts	Westmoreland
Lucas	Poe (TX)	Whitfield
Luetkemeyer	Posey	Wilson (SC)
Lummis	Price (GA)	Wittman
Lungren, Daniel	Radanovich	Wolf
E.	Rehberg	Young (AK)
Mack	Roe (TN)	Young (FL)
Manzullo	Rogers (AL)	

NOT VOTING—6

Berry	Burgess	Hastings (FL)
Bordallo	Granger	Stark

□ 1448

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

PERSONAL EXPLANATION

Ms. BORDALLO. Mr. Chair, today I have been granted an official leave of absence by the House of Representatives and am in my district attending to official business. As such, I am unable to cast my votes in the Committee of the Whole House on the State of the Union on amendments to H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009. If I were present for these votes, I would vote as follows and ask that the RECORD reflect these positions: "no" on the amendment offered by Ms. SLAUGHTER of New York (rollcall vote 225) and "aye" on the amendment offered by Mrs. MALONEY of New York (rollcall vote 226).

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. SERRANO, Acting 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, pursuant to House Resolution 379, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Com-

mittee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. 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. ROSKAM. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ROSKAM. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Roskam moves to recommit the bill H.R. 627 to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following instructions:

At the end of the bill, insert the following new section:

SEC. 11. TRIGGER FOR ENACTMENT.

No provision of the Act shall take effect until a study to be completed by the Board of Governors of the Federal Reserve System makes a determination that the provisions of the Act will not result in a reduction in the availability of credit covered by this Act to small businesses.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. ROSKAM. Mr. Speaker, we are here today because we are having a national conversation about credit, and it is a conversation that has had an impact on each and every one of our congressional districts. It doesn't matter where we are from, it doesn't matter what our background is, credit is inextricably linked to our success as a country.

So here we are, and we have got sponsors who have worked hard, and I want to take my hat off to the sponsors and to the chairman of the committee for taking on a very, very serious work. There are some good things in here, there are some good things in the underlying bill, but I think there is a weakness, and I want to point out the weakness and offer a suggestion.

This is not a "gotcha" amendment. This was an idea presented to the Rules Committee, and, unfortunately, it was sort of swatted aside. I think it was a little bit misinterpreted, and that's disappointing. But the great thing about this process is you get another shot at the title. So here we are and we have another opportunity to consider this idea. Here is what it says.

Notwithstanding everything that is in this bill, it doesn't matter what you have been told about it, what has been represented to you, what kind of talking points, what kind of hearings you have heard, what kind of testimony, let's face it, if this falls short and it has an adverse impact on small business, then we have failed. If this has an adverse impact on the biggest job creators in our economy, then we have failed.

So my attitude is look, we all, all of us, talk about how important small business is, how important the entrepreneur is, how important the self-employed are. But ultimately, if we are passing legislation that has an adverse impact on that group's ability to get credit, we have failed.

So what this amendment says, it says, look. What the motion says is take a good hard look at the bill, but hit the pause button, and here is why. Let the Fed look at this, do a study that says it is not going to have an adverse impact on small business.

"Small business" is a term of art, one that we can all come around. It is not meant to sneak up on anybody. It is not meant to overly characterize anything. But what it says is do the credit card changes, if you will, but make sure we are not having an impact on the small person.

Now, why is this important? Why should we be thinking in terms of a pause button right now? And I want to give you three examples where we cumulatively voted on things that have been presented in one way and they have turned out very differently.

Remember during the bailout debate last fall, remember the drumbeat, the pounding sort of, that pulsing feeling on the House floor and that sense of urgency of you got to pass it, you got to pass it, you got to pass it? Well, what is in it? I don't know, but just pass it and it is all going to be great.

Well, it didn't work out so well. Credit markets haven't been restored and we are still limping along months later.

Remember during the stimulus debate, when we heard from the White House that if we pass this, unemployment was going to peak at 8 percent, the birds were going to be chirping, it was all going to be great and that was going to be the high mark in terms of unemployment? That didn't happen to turn out that way, and we are already at 8.5 percent or beyond.

And most recently in the budget figures we heard represented in the Ways and Means Committee, that the Budget Committee heard, this is what we were told in terms of projections: That real GDP was only going to shrink by 1.2 percent this year. But already this quarter, this last quarter, it is down 6.1 percent.

Now, why do I bring those numbers up? They are important because they are indicators of mischaracterizations of things.

So when people say we are going to fix this credit card situation, my reluctance, and I think the reason there is a little bit of reluctance out there is the suggestion that there is going to be no cost to it and it is all going to be great and it is all going to be roses, and what I am suggesting to you today is that if we fail to protect small business, then we have failed.

Now, you will hear that the NFIB has endorsed it, and endorsed it they have. The NFIB has endorsed it, and I think

in fairness to the NFIB, they have looked at it and they have thought it is okay.

But we can do better. We have an opportunity to raise this to a higher standard. We have a chance today with adopting this simple motion to say it is all well and good, but let's make sure the Fed checks this out and comes back affirmatively.

Now, you might hear there is a study, Congressman, in the bill already. And I would suggest to you that the way the study in the bill is already crafted, it is a retroactive study, right? So it says within 3 months, 6 months of the acceptance date, we need to move forward.

You know what you need to do, and you know we need to do it.

Mr. GUTIERREZ. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. GUTIERREZ. Members of the House, a consistent argument that we hear from the other side is about the alleged lack of transparency and bipartisanship in this House; yet, it was only 5 minutes ago that we received this motion to recommit. How seriously can we take this? It is a motion to delay.

But we cannot stand another day and delay stopping the suffering of the American consumers at the hands of practices that the Federal Reserve Board, the same Federal Reserve Board which the minority wishes to have a study, has already spoken. They said it is unfair, it is deceptive, it is wrong, and we should change it. And we should not delay one day more the suffering of the American consumers at the hands of the deceptive practices of the credit card industry.

We are considering today a bill which already passed last year. The gentlelady from New York, CAROLYN MALONEY, the architect of the bill, a heroine for consumers across this country, deserves our recognition and our praise and our gratitude for fighting, for fighting this good and courageous fight.

Look, the Federal Reserve Board, the one you want to do a study, has already spoken. It says the practices are unfair and deceptive, and they have created rules and we will put them into effect on July 1, 2010, to stop those things.

I say let's not wait. Let's do it today. If it is unfair and it is deceptive, this Congress has the responsibility to the American consumer to act quickly and promptly with no further delay.

They say that this bill is for the small business community, a community of businesses that we are very concerned about. But, look, maybe you didn't get it. "Key vote alert. On behalf of the National Federation of Independent Businesses, the Nation's leading small business advocates, we urge your support immediately for the Credit Cardholders' Bill of Rights." They have spoken.

The National Small Business Association endorses the bill, also.

It seems to me that the predicate of the minority is that they are in defense of small businesses. The small business community has already spoken on this issue. We need to delay this no further.

□ 1500

The only one, the only group in America that can be happy if we delay this bill any longer are those that are engaged in deceptive predatory lending to consumers who are already unemployed, who are already suffering, who are already at the mercy of an economic system that just isn't there for them. Let's stand up for consumers at least one time while we're here. We can do it today, and the first step is saying "no" to the motion to recommit.

I yield to the gentlelady from New York, CAROLYN MALONEY.

Mrs. MALONEY. Today, America's consumers can see what a Democratic President and a Democratic majority means to their lives. We can stop these abusive practices by voting down the motion to recommit and voting for the bill.

Small businesses, the Small Business Association was part of our coalition. They support the bill. The National Federation of Independent Businesses, they call it a key vote alert. They will score people on this vote, a vote in support of the legislation.

So we have a chance to vote with the regulators of this country that support the bill and have called these practices unfair, deceptive and anticompetitive. We get to vote with 54 editorial boards across the country that have endorsed the bill, with every consumer group, every civil rights group, and many grassroots organizations that have called this their number 1 legislative priority.

We do not need to delay. We need to vote against this motion to recommit, and we need to move forward in enacting these provisions to protect America's working men and women, particularly when our economy is downturning, many people are losing their jobs. We need to protect our consumers, not delay provisions that can help them better manage their credit and stop abusive practices.

Vote for the Democratic bill.

Mr. GUTIERREZ. I would just like to say, once again, listen, seriously, on both sides, let's not delay this any further. Vote "no" on the motion to recommit.

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.

RECORDED VOTE

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

A recorded vote was 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—ayes 164, noes 263, not voting 6, as follows:

[Roll No. 227]

AYES—164

Aderholt	Franks (AZ)	Miller, Gary
Akin	Galleghy	Moran (KS)
Alexander	Garrett (NJ)	Myrick
Austria	Giffords	Neugebauer
Bachmann	Gingrey (GA)	Nunes
Bachus	Gohmert	Nye
Barrett (SC)	Goodlatte	Olson
Bartlett	Graves	Paul
Barton (TX)	Guthrie	Paulsen
Biggart	Hall (TX)	Pence
Billbray	Harper	Pitts
Bilirakis	Heller	Poe (TX)
Bishop (UT)	Hensarling	Posey
Blackburn	Herger	Price (GA)
Blunt	Hoekstra	Putnam
Boehner	Hunter	Radanovich
Bonner	Inglis	Rehberg
Bono Mack	Issa	Reichert
Boozman	Jenkins	Roe (TN)
Boustany	Johnson (IL)	Rogers (AL)
Brady (TX)	Johnson, Sam	Rogers (KY)
Broun (GA)	Jordan (OH)	Rogers (MI)
Brown (SC)	King (IA)	Rooney
Brown-Waite,	King (NY)	Ros-Lehtinen
Ginny	Kingston	Roskam
Buchanan	Kirk	Royce
Burton (IN)	Kirkpatrick (AZ)	Ryan (WI)
Buyer	Klaine (MN)	Scalise
Calvert	Lamborn	Schmidt
Camp	Lance	Schock
Campbell	Latham	Sensenbrenner
Cantor	LaTourette	Sessions
Cao	Latta	Shadegg
Capito	Lee (NY)	Shimkus
Carter	Lewis (CA)	Shuster
Cassidy	Lucas	Simpson
Castle	Luetkemeyer	Smith (NE)
Chaffetz	Lummis	Smith (TX)
Coble	Lungren, Daniel	Souder
Coffman (CO)	E.	Stearns
Cole	Mack	Sullivan
Conaway	Manzullo	Terry
Crenshaw	Marchant	Thompson (PA)
Culberson	McCarthy (CA)	Thornberry
Davis (KY)	McCauley	Tiahrt
Deal (GA)	McClintock	Tiberti
Dent	McCotter	Turner
Diaz-Balart, L.	McHenry	Walden
Diaz-Balart, M.	McIntyre	Wamp
Dreier	McKeon	Westmoreland
Duncan	McMorris	Whitfield
Emerson	Rodgers	Wilson (SC)
Fallin	McNerney	Wittman
Flake	Mica	Wolf
Fleming	Miller (FL)	Young (AK)
Foxx	Miller (MI)	

NOES—263

Abercrombie	Capuano	DeGette
Ackerman	Cardoza	Delahunt
Adler (NJ)	Carnahan	DeLauro
Altmire	Carney	Dicks
Andrews	Carson (IN)	Dingell
Arcuri	Castor (FL)	Doggett
Baca	Chandler	Donnelly (IN)
Baird	Childers	Doyle
Baldwin	Clarke	Driehaus
Barrow	Clay	Edwards (MD)
Bean	Cleaver	Edwards (TX)
Becerra	Clyburn	Ehlers
Berkley	Cohen	Ellison
Berman	Connolly (VA)	Ellsworth
Bishop (GA)	Conyers	Engel
Bishop (NY)	Cooper	Eshoo
Blumenauer	Costa	Etheridge
Bocchieri	Costello	Farr
Boren	Courtney	Fattah
Boswell	Crowley	Filner
Boucher	Cuellar	Forbes
Boyd	Cummings	Fortenberry
Brady (PA)	Dahlkemper	Foster
Braley (IA)	Davis (AL)	Frank (MA)
Bright	Davis (CA)	Frelinghuysen
Brown, Corrine	Davis (IL)	Fudge
Butterfield	Davis (TN)	Gerlach
Capps	DeFazio	Gonzalez

Gordon (TN) Markey (CO) Rush  
 Grayson Markey (MA) Ryan (OH)  
 Green, Al Marshall Salazar  
 Green, Gene Massa Sánchez, Linda  
 Griffith Matheson T.  
 Grijalva Matsui Sanchez, Loretta  
 Gutierrez McCarthy (NY) Sarbanes  
 Hall (NY) McCollum Schakowsky  
 Halvorson McDermott Schauer  
 Hare McGovern Schiff  
 Harman McHugh Schrader  
 Heinrich McMahon Schrader  
 Herseth Sandlin Meek (FL) Schwartz  
 Higgins Meeks (NY) Scott (GA)  
 Hill Melancon Scott (VA)  
 Himes Michaud Serrano  
 Hinchey Miller (NC) Sestak  
 Hinojosa Miller, George Shea-Porter  
 Hirono Minnick Sherman  
 Hodes Mitchell Shuler  
 Holden Mollohan Sires  
 Holt Moore (KS) Skelton  
 Honda Moore (WI) Slaughter  
 Hoyer Moran (VA) Smith (NJ)  
 Inslee Murphy (CT) Smith (WA)  
 Israel Murphy (NY) Snyder  
 Jackson (IL) Murphy, Patrick Space  
 Jackson-Lee (TX) Murphy, Tim Speier  
 Johnson (GA) Murtha Spratt  
 Johnson, E. B. Nadler (NY) Stupak  
 Jones Napolitano Sutton  
 Kagen Neal (MA) Tanner  
 Kanjorski Oberstar Tauscher  
 Kaptur Obey Taylor  
 Kennedy Olver Teague  
 Kildee Ortiz Thompson (CA)  
 Kilpatrick (MI) Pallone Thompson (MS)  
 Kilroy Pascrell Tierney  
 Kind Pastor (AZ) Titus  
 Kissell Payne Tonko  
 Klein (FL) Perlmutter Towns  
 Kosmas Perriello Tsongas  
 Kratovil Peters Upton  
 Kucinich Peterson Van Hollen  
 Langevin Petri Velázquez  
 Larsen (WA) Pingree (ME) Visclosky  
 Larson (CT) Platts Walz  
 Lee (CA) Polis (CO) Wasserman  
 Levin Pomeroy Schultz  
 Lewis (GA) Price (NC) Waters  
 Linder Quigley Watson  
 Lipinski Rahall Watt  
 LoBiondo Rangel Waxman  
 Loeb sack Reyes Weiner  
 Lofgren, Zoe Richardson Welch  
 Lowey Rodriguez Wexler  
 Luján Rohrabacher Wilson (OH)  
 Lynch Ross Woolsey  
 Maffei Rothman (NJ) Wu  
 Maloney Roybal-Allard Yarmuth  
 Ruppertsberger Young (FL)

NOT VOTING—6

Berry Granger Hastings (WA)  
 Burgess Hastings (FL) Stark

□ 1521

Messrs. GERLACH, MEEKS of New York, MINNICK, and Ms. MCCOLLUM changed their vote from “aye” to “no.”

Messrs. FLAKE and CANTOR changed their vote from “no” to “aye.”

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. GUTIERREZ. 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 357, noes 70, not voting 7, as follows:

[Roll No. 228]  
 AYES—357  
 Abercrombie Donnelly (IN) LoBiondo  
 Ackerman Doyle Loeb sack  
 Aderholt Driehaus Lofgren, Zoe  
 Adler (NJ) Duncan Lowey  
 Akin Edwards (MD) Luetkemeyer  
 Alexander Edwards (TX) Luján  
 Altmire Ehlers Lungren, Daniel  
 Andrews Ellison E.  
 Arcuri Ellsworth Lynch  
 Austria Emerson Maffei  
 Baca Engel Maloney  
 Baird Eshoo Markey (CO)  
 Baldwin Etheridge Markey (MA)  
 Barrow Fallin Marshall  
 Bartlett Farr Massa  
 Barton (TX) Fattah Matheson  
 Bean Finler Matsui  
 Becerra Fleming McCarthy (NY)  
 Berkley Forbes McCaul  
 Berman Portenberry McCollum  
 Biggert Foster McCotter  
 Bilbray Frank (MA) McDermott  
 Bilirakis Frelinghuysen McGovern  
 Bishop (GA) Fudge McHugh  
 Bishop (NY) Gallegly McIntyre  
 Blumenauer Gerlach McKeon  
 Blunt Giffords McMahan  
 Boccieri McNerney  
 Bono Mack Gordon (TN) Meek (FL)  
 Boozman Graves Meeks (NY)  
 Boren Grayson Melancon  
 Boswell Green, Al Mica  
 Boucher Green, Gene Michaud  
 Boustany Griffith Miller (MI)  
 Boyd Grijalva Miller (NC)  
 Brady (PA) Guthrie Miller, George  
 Braley (IA) Gutierrez Minnick  
 Bright Hall (NY) Mitchell  
 Brown (SC) Hall (TX) Mollohan  
 Brown, Corrine Halvorson Moore (KS)  
 Brown-Waite, Hare Hoyer Moore (WI)  
 Ginny Harman Moran (KS)  
 Buchanan Harper Moran (VA)  
 Burton (IN) Heinrich Murphy (CT)  
 Butterfield Higgins Murphy (NY)  
 Buyer Hill Murphy, Patrick  
 Calvert Himes Murphy, Tim  
 Camp Hinchey Murtha  
 Campbell Hinojosa Nadler (NY)  
 Cao Hirono Napolitano  
 Capito Welch Neal (MA)  
 Capps Hoekstra Nye  
 Capuano Holden Oberstar  
 Cardoza Holt Obey  
 Carnahan Honda Olver  
 Carney Hoyer Ortiz  
 Carson (IN) Hunter Pallone  
 Carter Inslee Pascrell  
 Cassidy Israel Pastor (AZ)  
 Castle Issa Paulsen  
 Castor (FL) Jackson (IL) Payne  
 Chandler Jackson-Lee Pelosi  
 Childers (TX) Johnson (GA) Perlmutter  
 Clarke Johnson (IL) Perriello  
 Clay Johnson, E. B. Peters  
 Cleaver Jones Peterson  
 Clyburn Kagen Petri  
 Coffman (CO) Kagan Pingree (ME)  
 Cohen Kanjorski Platts  
 Cole Kaptur Polis (CO)  
 Connolly (VA) Kennedy Pomeroy  
 Conyers Kildee Posey  
 Cooper Kilpatrick (MI) Price (NC)  
 Costa Kilroy Putnam  
 Costello Kind Quigley  
 Courtney King (NY) Radanovich  
 Crenshaw Kingston Rahall  
 Crowley Kirk Rangel  
 Cuellar Kirkpatrick (AZ) Rehberg  
 Culberson Kissell Reichert  
 Cummings Klein (FL) Reyes  
 Dahlkemper Kosmas Richardson  
 Davis (AL) Kratovil Rodriguez  
 Davis (CA) Kucinich Roe (TN)  
 Davis (IL) Lance Rogers (AL)  
 Davis (TN) Langevin Rogers (KY)  
 DeFazio Larsen (WA) Rogers (MI)  
 DeGette Larson (CT) Rohrabacher  
 Delahunt Latham Rooney  
 DeLauro LaTourette Ros-Lehtinen  
 Dent Lee (CA) Ross  
 Diaz-Balart, L. Lee (NY) Rothman (NJ)  
 Diaz-Balart, M. Levin Roybal-Allard  
 Dicks Lewis (CA) Ruppertsberger  
 Dingell Lewis (GA) Rush  
 Doggett Lipinski Ryan (OH)

Salazar Smith (WA) Van Hollen  
 Sánchez, Linda Snyder Velázquez  
 T. Souder Visclosky  
 Sanchez, Loretta Space  
 Sarbanes Speier Walz  
 Schakowsky Spratt Wamp  
 Schauer Stearns Wasserman  
 Schiff Stupak Schultz  
 Schock Sullivan Waters  
 Schrader Sutton Watson  
 Schwartz Tanner Watt  
 Scott (GA) Tauscher Waxman  
 Scott (VA) Taylor Weiner  
 Serrano Teague Welch  
 Sestak Terry Wexler  
 Shea-Porter Thompson (CA) Whitfield  
 Sherman Thompson (MS) Wilson (OH)  
 Shimkus Tiberi Wittman  
 Shuler Tierney Wolf  
 Shuster Titus Woolsey  
 Simpson Tonko Wu  
 Sires Towns Yarmuth  
 Skelton Tsongas Young (AK)  
 Slaughter Turner Young (FL)  
 Smith (NJ) Upton

NOES—70

Bachmann Hensarling Myrick  
 Bachus Herger Neugebauer  
 Barrett (SC) Herseth Sandlin Nunes  
 Bishop (UT) Inglis Olson  
 Blackburn Jenkins Paul  
 Boehner Johnson, Sam Pitts  
 Bonner Jordan (OH) Poe (TX)  
 Brady (TX) King (IA) Price (GA)  
 Broun (GA) Kline (MN) Roskam  
 Cantor Lamborn Royce  
 Chaffetz Latta Ryan (WI)  
 Coble Linder Scalise  
 Conaway Lucas Schmidt  
 Davis (KY) Lummis Sensenbrenner  
 Deal (GA) Mack Sessions  
 Dreier Manzullo Shadegg  
 Flake Marchant Smith (NE)  
 Foa McCarthy (CA) Smith (TX)  
 Fox McClinton Thompson (PA)  
 Franks (AZ) Garrett (NJ) McMorris  
 Garret (NJ) Gohmert Rodgers Tiahrt  
 Gingrey (GA) Gohmert Miller (FL)  
 Goodlatte Miller, Gary Westmoreland  
 Heller Miller, Gary Wilson (SC)

NOT VOTING—7

Berry Hastings (FL) Stark  
 Burgess Hastings (WA)  
 Granger Pence

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining on this vote.

□ 1534

Mrs. McMORRIS RODGERS and Mr. GOODLATTE changed their vote from “aye” to “no.”

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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, April 28, 2009.

Hon. NANCY PELOSI, Speaker, U.S. Capitol, 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. Nelson Albareda of Miami, Florida to the Commission to Study the Potential Creation of a National Museum of the American Latino.

Dr. Aida Levitan of Key Biscayne, Florida, Mrs. Rosa J. Correa of Bridgeport, Connecticut and Mr. Danny Vargas of Herndon, Virginia were previously appointed and shall remain voting members.

Mr. Albareda has expressed interest in serving in this capacity and I am pleased to fulfill the request.

Sincerely,

JOHN A. BOEHNER,  
*Republican Leader.*

#### LEGISLATIVE PROGRAM

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

Mr. McCARTHY of California. Mr. Speaker, I yield to my good friend and gentleman from Atlanta, Georgia, for the purpose of announcing next week's schedule.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague for yielding.

I must tell my friend, the gentleman from California, that on Monday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business; on Tuesday, the House will meet at 10:30 a.m. for morning-hour debate and noon for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected in the House.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by close of business tomorrow.

In addition, we will consider H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act, and the Fight Fraud Act of 2009.

Mr. McCARTHY of California. Reclaiming my time, if I may ask my colleague, knowing that Congress is in session only for 3 more weeks before we break for Memorial Day and having just heard next week's schedule, I wondered if my colleague might elaborate on the last 2 weeks in May what we would be expecting in the House.

I yield to the gentleman.

Mr. LEWIS of Georgia. I want to thank my friend for yielding.

You know by now that we have had a very busy agenda during this break period, including the bills we have already completed: National Water Research and Development Initiative Act, credit card legislation, hate crimes legislation, the budget conference report; and next week, we expect to pass the Mortgage Reform and Anti-Predatory Lending Act and the Fight Fraud Act of 2009.

I must tell you that in addition before the Memorial Day break, we will need to pass the supplemental appropriation for Iraq and Afghanistan. The President sent his request on April 10 for more than \$83 billion. We expect the House and Senate to act on the request before the Memorial Day recess.

Mr. McCARTHY of California. Reclaiming my time, if I may elaborate with the gentleman from Georgia.

You said a war supplemental. I would wonder, would there be any bench-

marks in this bill, and would there be any non-war-related spending in this bill as well?

Mr. LEWIS of Georgia. I must tell my friend, again, that we have not discussed that with the majority leader, with others in leadership. But right now it is our intention to pass a bill that includes the two wars.

Mr. McCARTHY of California. Reclaiming my time, if I may further ask, is it your intention to put any non-war spending in this supplemental bill?

And I yield.

Mr. LEWIS of Georgia. The Chair of the Appropriations Committee has informed us that he expects to mark up the bill next week, and we will make that information available at that time.

Mr. McCARTHY of California. So it is your intention, the majority's, not to have any non-war funding in the supplemental?

Mr. LEWIS of Georgia. At this moment—things can change—but at this moment, we plan to have the two wars in the bill.

Mr. McCARTHY of California. Reclaiming my time, if I could just clarify one last time, do you envision having benchmarks in this supplemental bill knowing in the past term the desire of the majority to have benchmarks?

I yield.

Mr. LEWIS of Georgia. Thank you for yielding again.

We have not had any discussion about benchmarks in the bill. We will wait to hear from the Chair of the Appropriations Committee, Mr. OBEY, and his members.

Mr. McCARTHY of California. I thank the gentleman.

Knowing the debate that we had a week ago with all of the hearings in Energy and Commerce and knowing what the schedule said that this week would be the markup of the cap-and-trade bill but this week being canceled in the markup, does the gentleman see Energy and Commerce bringing up cap-and-trade or that coming to the floor within the next 3 weeks before we go on recess?

I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. Looking down the road, we will be working on energy and climate change. We would like to see these bills on the floor in the near future.

Mr. McCARTHY of California. So in the next 3 weeks do you not see Energy and Commerce bringing up or bringing to the floor a cap-and-trade bill?

I yield.

Mr. LEWIS of Georgia. That is correct, my friend.

Mr. McCARTHY of California. If I might just further ask another question of inquiry to my friend from Atlanta.

The Card Check bill has been out there for quite some time. Knowing the number of cosponsors on the majority side, do you envision that coming up in the near future?

And I yield.

Mr. LEWIS of Georgia. We do not expect to see it coming up anytime within the next few weeks.

Mr. McCARTHY of California. Does the gentleman believe that the Card Check bill would come to the House before it moves in the Senate?

I yield.

Mr. LEWIS of Georgia. Thank you, my friend, for raising the question.

I must tell you that we cannot make any type of commitment on that. We're working on it, and we will continue to work on it, and we hope to work with you and others in a bipartisan fashion before we act.

Mr. McCARTHY of California. I appreciate you bringing up bipartisanship.

Yesterday was the hundredth day of our new President, and one of our big goals together was to work in a bipartisan way and forge that effort, and as everybody knows in this House, unfortunately that did not take place. And it is regrettable. But Republicans on this side want to make sure that we do forge in a bipartisan matter, and I would like to bring up a few items that we could work together on.

I will tell you—and I was very proud at the very beginning of this session when we, the minority, the Republicans, invited the President to our conference, and we actually had a very good discussion about the stimulus bill. It was unfortunate that a bill was introduced while he was talking to us and was not able to be bipartisan in that nature. But I was wondering about a couple of items that we could work closely together.

Recently, the President came forward and asked his Cabinet to find \$100 million in waste and abuse and duplication, and this is a place that I know we can all work together. I know our leadership, Mr. BOEHNER and Mr. CANTOR, personally talked to the President. The President asked us to produce a list.

□ 1545

I would ask our good friend from Georgia if the House Democrats would be willing to work with the Republicans to bring something to the floor before this May recess where we could eliminate waste, fraud and duplication and actually save the taxpayers and America. And I yield back.

Mr. LEWIS of Georgia. I want to thank my friend again for yielding.

If you turn the pages of the past few days and the past few weeks, I think we have a record of bipartisanship. First, I am happy to remind my friend that we have passed a number of bills recently with bipartisan support, including the National Water Research and Development Initiative Act. The vote was 410-13. Today we passed credit card legislation, 357-70. And the Mortgage Reform and Anti-Predatory Lending Act, which we expect on the floor next week, passed out of committee on a bipartisan vote of 49-21, with eight Republicans supporting it.

So I say to my friend, I hope there are many more opportunities in the future to continue to build on our record of bipartisanship, and I look forward to working with you to find opportunities to do much more. We want to work with the President. We want to work with you to cut waste.

Mr. MCCARTHY of California. Reclaiming my time, I appreciate that. And when I look at bipartisanship, I look at the biggest bills that have transferred through this House in such a short amount of time. Just yesterday, on the 100-day anniversary, on the budget that would double the debt in less than 5 years and triple it in 10, the bipartisan vote, unfortunately, was a number of Democrats—17—joining with all the Republicans and saying there was a better way, and no.

I think the American people would like to see another version, such as when you saw the stimulus bill. Unfortunately, the bipartisanship was a direction that we wanted to have another way to go. It is unfortunate that you would find only one party voting “yes” when you had both parties saying “no.”

So in areas that I think we can really come together, where the President has laid out that he wants to find ways that we can eliminate waste and duplication, we have our hand out, we want to work with you.

And so I just ask you one more time, is there an opportunity—and I know you’ve talked about bipartisanship. We will provide a list to the President. We will provide a list to you as well. Could we bring that to the floor within the next 3 weeks before we go on the Memorial Day recess and show the American people that we are very serious about eliminating waste, fraud, and duplication?

I yield to the gentleman.

Mr. LEWIS of Georgia. I think our leadership and the Chairs of committees are prepared and ready to work with your side and to work with the President in finding a way to cut waste.

I must say to you, my friend, while \$100 million may be only a small fraction of the overall Federal budget, I remind you that it is \$100 million more than the previous administration cut in 8 years, with the help of the Republican-controlled Congress. In fact, with the Republicans, we went from a surplus of \$5.6 trillion to a deficit of \$4.5 trillion, a turnaround of almost \$10 trillion.

We are going to work with you. We are prepared to do what we can to work in a bipartisan fashion to cut waste and to save the taxpayers’ dollars.

Mr. MCCARTHY of California. Well, reclaiming my time, I thank the gentleman. And I will tell you, \$100 million, when I look at the budget being passed, in a few short years I think of my children and America paying \$1 billion in interest a day. I know the American people care as much about their children as I care about mine, and we do not want that to continue.

So I take your hand being out to us in bipartisanship, and I look forward to working with you that we can eliminate waste. I look forward that we can come together with this President and bring it to the floor before Memorial Day. I think there is a way we can reach for greatness; there is a way that we can come together.

Another area that I think we can work well together on is trade. House Republicans stand ready to work with this President. This President has signaled his desire to have a vote on the Panama trade agreement and to begin moving forward with the Colombia free trade. I even know the leadership on the majority side, Majority Leader STENY HOYER, during the last recess he traveled to Panama, he traveled to Colombia.

So my question to the House Democrats, would there be an opportunity to have a vote before the July 4 recess on the Panama trade agreement that the President asked to have? I yield.

Mr. LEWIS of Georgia. I thank my friend for yielding.

I am so glad and pleased that you are raising the issue of trade agreements. It is an issue that Democrats and Republicans have a history—and a long and rich and gloried history—of working together, and we will work together.

I know that the Majority Leader, Mr. HOYER, is very focused on the issue of trade, Panama FTA, and that he is working with the administration and with Members on your side of the aisle—including Mr. KIRK and your leadership—to get this trade agreement done in a timely manner. I promise you that. And I know if Mr. HOYER was standing here, he would make the same promise.

Mr. MCCARTHY of California. Reclaiming my time, I thank the gentleman. Because when I sit back and I think of the time of the President going to Peoria, going to Caterpillar, and I listened to those individuals that work there and I listened to their Representative, Congressman AARON SCHOCK, when he sat there and talked to them and they said the number of tractors they would sell, that the actual tariffs would be brought down automatically as soon as these trade agreements go forward.

But when you think of America, where we continue to lose jobs and we are thinking about job creation and small business, these trade agreements are nothing but a benefit to America, we want to work with you. And I just ask the gentleman, I appreciate his willingness to work with us, but could we do this by July 4? The President has signaled that he would like that done. Does the gentleman believe we can have it done by July 4?

I yield to the gentleman.

Mr. LEWIS of Georgia. I thank the gentleman for yielding. I cannot assure you, I cannot guarantee you that we will have it done by July 4. But I will assure you that we are going to work

together, as a member of the Ways and Means Committee, and I am sure the Chair of our subcommittee, Mr. LEVIN, is going to work with the ranking member and others, and the full committee Chair and the full ranking member, to get it done as soon as possible, but hopefully in a timely fashion.

Mr. MCCARTHY of California. Reclaiming my time, I was very hopeful in the last term that we could have gotten these done, knowing that the recession that we moved into and the number of jobs that are being laid off, even in my own State, knowing the double-digit unemployment, that anything we can do, especially when it has been sitting on the table, been negotiating, and it is a positive agreement for America, the job creation, that we should come together. The President has signaled. The Republicans are saying, we are there. We want to help him. We want to pass this. We are asking the majority party to join with us.

I will yield for a final comment from the gentleman.

Mr. LEWIS of Georgia. We all must work together in a timely fashion to save the jobs, create more jobs, and put all of our people back to work.

Mr. MCCARTHY of California. Reclaiming my time, we just wrapped up 100 days, and I think America is going to look to, what does America look like 100 days from now, 200 more days, 300 more days?

Today we talked about numerous different bills, from trade agreements that create jobs, from eliminating waste, lowering the deficit. Those are areas that we stand ready to work with this President and work with this majority party. So I thank you for the time that you spent, and I thank you for your answers.

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

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#### ADJOURNMENT TO MONDAY, MAY 4, 2009

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore (Mr. MASSA). Is there objection to the request of the gentleman from Georgia?

There was no objection.

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#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 627, CREDIT CARDHOLDERS’ BILL OF RIGHTS ACT OF 2009

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 627, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

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

There was no objection.

#### 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.

#### AIG/PANAMA FTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. MICHAUD) is recognized for 5 minutes.

Mr. MICHAUD. Mr. Speaker, I am here this afternoon to strongly oppose the Bush-negotiated Panama Free Trade Agreement. We should not even be considering this agreement until Panama fixes its outrageous banking secrecy, its offshore tax haven, and financial service deregulation policies.

Just when we thought we heard almost everything that there is to know about AIG's bailout and bonuses, many of you may not know AIG is suing United States taxpayers, claiming it overpaid U.S. taxes on activities in Panama.

Panama is a country which applies low to no regulations and taxes on firms registered there. AIG wants to get back those taxes it dodged with its Panamanian front.

Panama hides its tax liabilities and transactions behind banking secrecy rules. The United States and other firms can create unregulated subsidiaries with ease in Panama. According to the State Department, Panama has over 350,000 foreign-registered companies. AIG is very keen on tax havens like Panama.

The New York Times just ran an article about how AIG is currently suing the United States Government for over \$306 million in back taxes it claims it does not owe because of the Panamanian company entitled Starr International Company, otherwise known as SICO.

SICO is AIG's largest shareholder. It is also the manager of a compensation fund for AIG employees who are paid in AIG shares. SICO's chairman is former AIG Chairman Hank Greenberg. The same company that got the government bailout money and used taxpayer dollars for outrageous bonuses is now demanding twice the amount of bonuses in paid back taxes.

If you aren't already angry about the greed of AIG executives, the fact that they are using Panama's tax haven status as a way to sue the American taxpayers for back taxes is completely outrageous. The Bush-negotiated Panama Free Trade Agreement would make matters worse. It promotes the offshoring of investment by providing special treatment for firms who are in Panama.

At a time of severe economic downturn and when the government is asking the United States taxpayers to foot the bill for Wall Street's mess, the last

thing we need to do is pass a trade deal negotiated by the Bush administration that promotes offshoring, tax dodging, and privileges for foreign investors.

This is simply outrageous. As elected officials of the people here in the United States, we ought to have transparency in what is going on; and that transparency has not been there, whether it is the bailout legislation or whether it is looking at the Panama trade negotiated under the Bush administration which will be a tax haven for companies who are registered in Panama.

I urge my colleagues to vote against any Panama trade deal that has been negotiated by the previous administration. It's wrong. It's outrageous, and it is not the right thing to do.

□ 1600

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.)

#### PANAMA FREE TRADE AGREEMENT

The SPEAKER pro tempore (Mrs. KIRKPATRICK of Arizona). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, I rise with sadness at the news that this administration intends to follow the broken trade agenda of the previous administration by pushing Congress to approve the United States-Panamanian Free Trade Agreement.

How many American jobs must be lost, how many businesses must be closed, how many towns across this Nation must be hollowed out before the government realizes that our trade policy is broken? We have had 15 years of the NAFTA-based trade model on which the Panamanian agreement is based, and the results are in: we now have a \$127 billion annual trade deficit with Mexico and the other 15 nations with which we have free trade agreements. Since the passage of NAFTA, the United States has lost 4.5 million manufacturing jobs, over 364,000 in my home State of North Carolina alone.

We are in the worst recession since the Great Depression. Unemployment is rising and it may soon be over 10 percent. The last thing this country needs is another free trade agreement that will cause more good-paying American jobs to be outsourced.

Most of us would agree that America will not recover until we reduce our reliance on imports and produce more of what we consume right here at home. The insanity of this agreement is that it will do just the opposite. In fact, this agreement actually obligates U.S. taxpayers to fund a New Committee on Trade Capacity building, one of the pri-

mary goals of which, according to CRS, is to help Panamanian businesses in "increasing exports to the United States."

Well, isn't that nice? At a time when this government is running a \$2 trillion annual deficit, this agreement will use U.S. taxpayers' money not to help U.S. companies but to help Panamanian companies take market share and jobs from domestic employers.

One last point, Madam Speaker. President Obama campaigned on and, in my opinion, carried several States because of his pledge to stop the incentives for companies to outsource jobs and dodge U.S. taxation by moving operations offshore to tax-haven jurisdictions like Panama. Unfortunately, this trade agreement would tear that pledge to pieces.

The reality is that Panama is known internationally as one of the leading tax havens in the world. Corporations from the United States and around the globe set up shop in Panama in order to dodge taxes in their home countries. Sadly, this agreement does nothing to stop that activity.

Madam Speaker, this agreement is bad for America, especially at this perilous economic time for our Nation, and I would encourage the administration to rethink its position before it asks Congress to approve it.

And with that, Madam Speaker, before I close, with our men and women fighting in Afghanistan and Iraq, I ask God to please bless our men and women in uniform, and I ask God three times, God please, God please, God please continue to bless America.

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 IMPORTANCE OF FAIR TRADE POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TONKO) is recognized for 5 minutes.

Mr. TONKO. Madam Speaker, these undoubtedly are tough economic times, not only for our country but for many across the world. So as we recognize that we co-exist in this global community, it is important for us to go forward thoughtfully and fairly with a sense of justice as we approach the issues of trade, making certain that there be this balance, that there be this fairness in the trade options that are available to this Nation and others, and that we move forward in a way that most progressively responds to the needs of this global community in which we share our opportunities.

I grew up in and now represent New York's 21st Congressional District,

which was once home to dozens of thriving mill towns. Now if you drive across that district, my district, from Troy to Cohoes, to Schenectady, to Amsterdam, to Gloversville, you can see the glaring hole that the loss of industry has created. This is a story that resonates all too frequently throughout the United States, from New England to the Midwest, and now even into the South.

My hometown of Amsterdam, New York, was once home to thriving carpet mills that employed thousands of workers. Decades ago General Electric employed more than 40,000 workers in Schenectady, and American Locomotive employed 12,000-plus. But for a few thousand GE employees, manufacturing in Schenectady has disappeared. The glove-making industry once employed 80 percent of the residents of Gloversville, New York, and that industry has also almost completely disappeared.

The decline of manufacturing in Upstate New York occurred before the free trade agreements that were negotiated in the 1990s. But since those agreements have been signed, the decline of manufacturing has accelerated dramatically.

Trade policy, when done right, can benefit countries around the world. My objection, Madam Speaker, is that our current trade agreements place a disproportionate burden on American workers and leave our United States at a significant competitive disadvantage compared to the rest of the world. By negotiating trade agreements that do not have adequate labor standards or environmental provisions, we simply export pollution and poor working standards to other nations. It is indeed hard for a glove-manufacturing company based in my congressional district to compete with another manufacturer located in one of the so-called "free trade zones" in Central America, for instance, where employees make cents on the dollar, are offered no benefits, and work in factories that do not have those safety provisions so guaranteed for our American workers.

By inserting basic labor standards into our trade agreements that address worker pay, worker safety, worker benefits, and the length of that workday, American workers will be more competitive. In addition, by strengthening labor provisions in our trade agreements, we can help guarantee that better standard of living for workers in the countries with which we are trading.

Environmental standards are often another significant area that have not been sufficiently addressed by NAFTA, and this oversight is continuing under these NAFTA-like trade agreements coming before us. In the 1970s we collectively agreed that preserving the environment is essential, is necessary to our health and our way of life. The legislation that came out of that period helped to preserve our air and our water by limiting the pollutants that

companies could emit into the environment, our environment. By agreeing to free trade agreements that do not include similar provisions to protect the environment, we not only make American manufacturers less competitive, but we export our pollution to developing countries.

Again, the solution to this problem is simple: by including environmental provisions into our trade agreements, we can even the playing field for American workers and reduce the environmental impact of manufacturing in other countries.

I honestly believe that trade can help the American economy. It can help our manufacturers and can help our workers. However, this trade has got to be done right. We cannot keep agreeing to those lopsided trade agreements that leave American workers without jobs because American companies cannot compete with firms located overseas that can pay their workers sweatshop wages and operate in ways that devastate our shared, our shared, environment.

When this body is asked to consider the past administration's NAFTA-style trade agreements in the coming months, I will be forced to add my voice to the millions of American workers who have had enough: enough of exporting American jobs overseas, enough of competing with workers that pay cents on the dollar. And the American people have had enough of free trade and demand a trade model, a fair trade model, that will help our economy recover.

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.)

#### RIGHT-WING EXTREMISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Madam Speaker, recently at a town hall meeting, Dottie from Andrews, Texas, and I won't give her last name, came to me and said that she did not attend a TEA party in the area because she was afraid that the Department of Homeland Security would have agents there taking down names and taking pictures.

Well, Madam Speaker, I rise today to reassure my constituent Dottie from Andrews that while Secretary Napolitano may be guilty of bad judgment bordering on negligence, she does not really consider her to be a domestic terrorist, nor do I believe the Secretary has unleashed the multitude of resources, assets, tools, and weapons of the Department of Homeland Security against her or me.

Dottie, like many individuals across my district and throughout the Nation, was at first surprised and then angered to learn that the Department of Homeland Security's new definition of a right-wing terrorist sounded a lot like her. To quote the recently released Homeland Security memo: "Many right-wing extremists are antagonistic toward the new Presidential administration and its perceived stance on a range of issues, including immigration and citizenship, the expansion of social programs to minorities, and restrictions on firearms ownership and use."

In a ham-handed fashion, the memo further defines the Department's view of right-wing extremists to include the great many Americans who believe that gun owners have constitutional rights protected by the second amendment, that our national values are not something to be bartered with for international agreements, that the immigration policy in our Nation is a failure, and that we are mortgaging the future to fund today's spending spree that we can never repay.

It then goes on to single out returning war veterans as individuals who warrant special government attention because they are especially susceptible to these extreme views.

If these are the positions of extremists, Madam Speaker, then I am an extremist. I am extreme in my belief that our Constitution protects law-abiding citizens from being treated like criminals. I am extreme in my belief that our Nation's sovereignty and values are not up for negotiation or debate with international thugs and 21st-century socialists. I am extreme in my belief that the Federal Government is failing the American people every day that we don't control our borders. I am extreme in my belief that we are running unsustainable deficits and selling future generations of Americans into indentured servitude in order to score political points today. And I am extreme in my belief that our veterans deserve our humble gratitude and prayers, not police scrutiny.

Secretary Napolitano's crass misunderstanding of the concerns of conservative Americans is not only embarrassing, but it detracts from her Department's ability to protect America. Her report is riddled with anecdotal evidence and pointlessly broad generalizations. It is a "well, duh" listing of long-established facts about racist organizations, anti-government militias, and other fringe radicals.

Any memo that relates the members of these fringe organizations with individuals who hold conservative political beliefs will serve only to confuse law enforcement personnel and alarm the public. Where there are public safety concerns, these should be communicated in a precise and meaningful manner; otherwise, the administration should stop antagonizing and profiling its innocent citizens.

In its rush to placate The New York Times editorial board and MoveOn.org,

the Obama administration is continuing to show itself to be tone deaf on the issues that matter most to Americans and illiterate in basic conservative principles. The administration's actions are rightly a cause for concern for me and my constituents. While the Democrats have earned the right to pursue their agenda, no American citizen lost their right to question that agenda.

I should not be here on the floor today making reassurances to the people in my district, but the language of this administration has consistently been dismissive of principled opposition to its policies and now it appears as though it is openly hostile to it.

In the future I urge the administration to pick its words more carefully and remember that it governs all of America, not simply those who agree with it. I urge Secretary Napolitano to issue an official clarification of the administration's position on right-wing extremism and to publish a memo that addresses her concerns about the rise of hate groups and anti-government militias in a manner that will both be of service to law enforcement and refrains from painting half of America as extremists.

While I firmly believe that this memo represents nothing more than a colossal screw-up on the part of our President and the Secretary, my final reassurance to Dottie is that if I am wrong and the government ever decides to come after her for her views, then they're going to have to come after me also.

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.)

□ 1615

#### BEAUTIFY CNMI AND FRIENDS OF THE MONUMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Northern Mariana Islands (Mr. SABLAN) is recognized for 5 minutes.

Mr. SABLAN. Madam Speaker, last week President Obama signed into law the Edward M. Kennedy Serve America Act, which encourages Americans to engage in public service and volunteerism.

I was proud to cosponsor the Serve America Act. But I am even prouder to recognize today two nonprofit corporate organizations in the Northern Mariana Islands that already exemplify the spirit of cooperation and community service the act will encourage. These organizations are Beautify CNMI! and The Friends of the Monument.

Beautify CNMI! is a coalition of concerned citizens, private groups and gov-

ernment entities united to enhance the natural beauty of the Northern Mariana Islands and to foster pride of place in residents and visitors alike. In their own words, Beautify CNMI! figured the only way to get people to take ownership in our islands was if the government, the private sector, and the community worked together and pooled our resources.

Created in 2006, Beautify CNMI! has spent the last 3 years picking up litter, planting trees and painting over graffiti in our communities. They have also restored historic areas such as a World War II-era jail and a lighthouse built at the turn of the last century.

Beautify CNMI! also honors individuals and groups who are considered environmental leaders. And the organization supports other community initiatives, such as promoting responsible pet care and working with at-risk youth groups.

The Friday before Earth Day this year, Beautify CNMI! coordinated an island-wide cleanup on the island of Saipan with the participation of over 4,100 volunteers, the largest cleanup endeavor ever in the Northern Mariana Islands. I had the pleasure of joining this cleanup during my last work period.

The second group I would like to recognize is The Friends of the Monument. The Friends of the Monument was formed to help promote the ideal of creating a national marine monument in the waters surrounding the three northernmost islands of the Northern Mariana Islands and the Mariana Trench, the deepest known place in the world's known oceans, and they were successful. President Bush designated the area as a national marine monument on January 6 of this year.

The monument designation was controversial in the Northern Mariana Islands, but whatever one's stance in the controversy, there is no argument that The Friends of the Monument is the model for what a dedicated group of volunteers can accomplish.

The Friends of the Monument engaged in countless hours of outreach and education activities to teach the community about the idea of the monument. They created and distributed leaflets, held meetings and conducted classroom presentations.

These activities gave the public an opportunity to learn about the proposed monument, to ask questions and to express concerns. Ultimately, The Friends of the Monument were successful in their efforts. These efforts are commendable, no matter what one's view of the monument itself, because they demonstrate what can be done by dedicated members of the public and encourage others in the community to participate in issues that affect them.

The Friends of the Monument were featured on NBC Nightly News during green week. They also were recently recognized by the Environmental Protection Agency with an environmental award.

I am glad to highlight their efforts here today, and I am very proud to acknowledge their accomplishments.

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### ALL PEOPLE ARE EQUAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. TIAHRT) is recognized for 5 minutes.

Mr. TIAHRT. Madam Speaker, yesterday the House passed the Local Law Enforcement Hate Crimes Prevention Act, H.R. 1913.

The bill reminds me of a passage from George Orwell's book, "Animal Farm," where he wrote, "All animals are equal. Some animals are more equal than others."

Under this legislation, all people are equal. Some people are more equal than others. This bill attempts to create a new class of people with a new category of punishment that is determined by the thoughts and words, as well as other actions. It's based on the premise of a hate crime, a hate crime.

If one assumes there is hate crimes, isn't it logical to assume that there is just the opposite, love crimes?

Well, the concept of love crimes doesn't hold, and neither should the concept of a special class of citizens created by hate crimes. But it is true that crimes are committed. And if you are a victim of crime, whether it is motivated by hate, greed, envy or whatever the driving force is, you, as a victim, deserve equal justice under the law.

Equal justice under the law is an old and very well accepted concept in America. Where we are a Nation of equals, a Nation of men and women who bow to no man, to no king, we should expect equal treatment under the law, equal justice.

This legislation places into the judicial system and into the hands of a jury the determination of the thoughts of the criminal and the responsibility to determine were these actions different if the victim has a certain sexual orientation?

However, the term sexual orientation is not defined. This is very vague. But the term gender identity is defined as actual or perceived gender-related characteristics, perceived. This is also very vague.

In fact, the whole legislation is so vague that a minister today, reading aloud the book of Corinthians from the New Testament, could be prosecuted because it could be perceived as inciting violence. Whatever happened to free speech in the first amendment?

The amendments could have been offered to clarify some of the passages

but were rejected by the Democrats. Amendments were offered in the Judiciary Committee to extend special victims status to veterans, the elderly and pregnant women. All were rejected. No amendments were allowed on the floor.

Madam Speaker, I believe this legislation is, in fact, unconstitutional, violating the freedom of expression and equal protection under the law. I fear for this Nation as Congress continues to ignore and abuse the foundation and the principles that built this great Nation.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. SUTTON) is recognized for 5 minutes.

(Ms. SUTTON 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 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.)

#### STRONGER CHRYSLER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Madam Speaker, I rise today to praise the very hard work of this administration and the President's auto task force and the many stakeholders in Chrysler who came together in an effort to protect jobs and build a stronger, leaner and more competitive Chrysler.

Chrysler's management is to be commended for making the hard decisions needed to form a new alliance with Fiat that will make the company stronger and more competitive in the future.

Many of Chrysler's creditors are to be commended for accepting a return on their investment that is more commensurate with the current market and will allow Chrysler to weather this economic crisis. Most importantly, Chrysler's workers are to be commended for sacrificing, so greatly, really, in accepting painful concessions that will allow the company to better compete. Because of all of this hard work, the foundation was laid for Chrysler to successfully restructure outside of bankruptcy.

But bankruptcy will now be required only because of the greed of a few Wall Street hedge funds that held a portion

of Chrysler's debt. Much of that debt had been purchased at pennies on the dollar, but these hedge funds demanded a return much higher than what was being accepted by other lenders and much higher than what the current market would bear, Madam Speaker.

These hedge funds operate in an unregulated area of the economy, and they seem to care only about maximizing their profit, no matter what the cost. They have seemingly no concern for the workers or families that would be devastated by the destruction of Chrysler.

They demonstrate no concern for the communities across this Nation that depend on a healthy Chrysler. They show no concern for the myriad of companies that would be forced out of business because of their dependence on business with Chrysler. Their only concern seems to be their desire to squeeze the last drop of blood out of this company. Those who seek to game our financial system in a fashion that helps only them and hurts countless other Americans do not have the best interests of our economy or our Nation at heart.

President Obama said today that he does not stand with these greedy hedge funds, and neither do I. But I believe that the plan developed by Chrysler and its stakeholders is strong and will fare very well in a quick bankruptcy proceeding.

At the other end of this time, I believe that we will see a stronger, leaner, more competitive and healthy Chrysler that will continue to build some of the greatest cars in the world. Some of my colleagues, who may have advocated bankruptcy last December, will feel vindicated that this bankruptcy filing happened today, but they should not.

Those who oppose bridge loans and called for a bankruptcy filing last December, in my opinion, held a position that would have led to a disorderly bankruptcy in the liquidation of this iconic American company. Such a bankruptcy would also have led to far greater burdens being placed on the American taxpayers when they would have had to absorb higher workers' pensions, health care costs and unemployment benefits. Those costs would have been much higher than what has been extended in bridge loans.

Fortunately, President Bush thought better and provided those bridge loans and bought this important company important time to reconstruct and to construct a strong viability plan.

Fortunately, President Obama and his auto task force worked in good faith with all of the stakeholders to put that viability plan together, and they are offering the continued support needed to see that the plan is going to have a successful conclusion. And what is included in that plan?

Madam Speaker, most importantly, no plant closures or new job losses. It calls for a strategic partnership with Fiat that will provide innovative tech-

nology to build outstanding fuel-efficient vehicles based on that technology right here in America. And it will also give Chrysler's outstanding products, like Jeep, enhanced access to the European market.

It also ensures that every single dime of taxpayer money will be repaid before Fiat can take majority control of Chrysler. So jobs will be saved. More fuel-efficient cars will be built here by American workers and the taxpayers will have their investment returned.

Now we will continue to look to the future, and there is more that we must do here in Congress to make certain that not only does Chrysler have short-term viability and long-term viability as well, but also that the entirety of the American auto industry does as well.

The most important thing that we can do here to help the auto industry is to help spur sales. Madam Speaker, we only need to look to Europe, South America or Asia for plans that are actually working. Eighteen countries already have implemented fleet modernization programs, and every Nation that has done so has seen auto sales rise, while every country that has not has seen auto sales plummet in this difficult economy.

That's why I was proud to introduce my partisan implementation to implement a fleet modernization plan, better known as "Cash for Clunkers," right here in America. Our plan would provide consumers with a point-of-sale voucher to turn in older, less fuel-efficient vehicles for new more modern more fuel-efficient cars and trucks.

I would urge my colleagues to research our proposals and to join us in that.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### TRIBUTE TO DR. ROBERT ROSNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Madam Speaker, I rise today to honor a man whose spirit and dedication to the world of science inspired him to give four decades, with more to come, of tireless service to the Nation as a scientist, teacher, mentor, administrator and leader.

This week Dr. Robert Rosner will step down as director of Argonne National Laboratory, a leading Department of Energy science laboratory located in my congressional district in Illinois. He plans to resume his career in research and teaching at the University of Chicago, where he is a world-renowned astrophysicist and the William Wrather Distinguished Service Professor in the university's Department of Astronomy and Astrophysics.

I have had the privilege to work closely with Dr. Rosner during, over the last 7 years during his tenure at Argonne, first when he was chief scientist and later when he became laboratory director. So I speak with personal knowledge and affection when I say that Bob has left an indelible stamp on Argonne, the quality of life in my district, the Department of Energy complex and the Nation.

There is no doubt that he has created a positive and lasting legacy, both nationally and internationally, and I would like to take this moment to pay tribute to his many achievements and to wish him well on his return to full-time university life.

Dr. Rosner's first significant interaction with Argonne came in 1992 when he led the collaboration between Argonne and the University of Chicago scientists who created the Center for Astrophysical Thermonuclear Flashes, which he directed from its founding in 1997.

□ 1630

In 2002, he joined Argonne's directorate as chief scientist and associate laboratory director for physical, biological and computing science.

Since his appointment as director of Argonne in 2005, he has served as a valuable national leader and spokesman on science policy and the value of translational science, science that puts basic knowledge to practical use.

During his term as Argonne director, Bob has strengthened Argonne intellectually, organizationally and physically. He strengthened and organized the laboratory's core capacities to make them more responsive to the Department of Energy's needs and helped forge stronger links between Argonne, the University of Chicago and other universities, especially in the Midwest.

He was instrumental in founding the Energy Department's National Laboratory Directors Council and served as its first chair. He also has worked to launch a number of new research programs and facilities, including the Computation Institute, the Leadership Computing Facility, the Sub-Angstrom Microscopy and Microanalysis Facility, the Center for Nanoscale Materials, and the Theory and Computational Sciences Building.

He has also created an atmosphere of open communication. Notably, he established a two-way dialogue between employees and senior management by becoming the first Argonne director to answer all questions in regular, informal meetings with employees from across the lab.

Madam Speaker, Dr. Robert Rosner has contributed greatly to the Energy Department laboratory complex, my district, the State of Illinois and the Nation. His commitment and dedicated efforts as a public servant provide an inspiration to us all. I know his presence at Argonne will be greatly missed, but I am confident that his abundant energy and zeal for science will con-

tinue to do great things in the scientific and university communities for years to come.

Today, I congratulate Dr. Rosner on his accomplishments at Argonne and wish him success in his many future endeavors.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BROUN) is recognized for 5 minutes.

(Mr. BROUN of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### PROGRESSIVE MESSAGE FROM THE PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Madam Speaker, I am here tonight representing the Progressive Caucus with the progressive message. I am hoping I can get the assistance of some of our very able pages who are seated in the back to grab my boards and my setup materials to help me along the way tonight.

But the main idea is that the Progressive Caucus offers a progressive message, Madam Speaker, every single week, and this week, tonight, we are very, very pleased to be able to talk to the American people about the Credit Cardholders' Bill of Rights.

Everybody knows for the last several years that our economy has not had equal and open access to everybody. American people are struggling hard, with flat wages on average for the last number of several years, and we have seen people's pay remain flat as other costs increase, such as health care costs, higher premiums, higher copays. We have seen these kind of things the American worker has been suffering with, and it has been tough out there for everybody. And what happened with the collection of higher costs and higher expenditures and flat pay is that Americans began to rely more and more on debt to meet their basic expenses.

We are not talking about living extravagantly. We are talking about the basics. We are talking about a home that you can live in, raise your family in. We are talking about trying to move into a decent school district. We are talking about trying to have a house that is large enough for your family to live in, things like that.

So at this point we are here tonight to talk about a triumph that the American people have had tonight with the passage of the American Credit Cardholders' Bill of Rights. So let me just get started.

I want to thank our pages. We can't do anything without them. They are very sharp, able young people. I would recommend to any young person that

they look into becoming a page. I want to thank them.

But I want to start off by talking about tonight, and this is our progressive message and this is what we do every week as we bring a progressive vision to the American people, the progressive message, that is what I am talking about tonight, and this is on behalf of the Progressive Caucus. For people who are interested, we urge you to check out our e-mail address. Send us some information. We want to hear from you, the Congressional Progressive Caucus.

So, again, tonight we want to talk about the importance of subprime lending, the Credit Cardholders' Bill of Rights, debt in the American economy. Americans are having flat wages, increasing costs of all kinds, and people needed somewhere to go. Where did they go? They went to debt. They went to credit card companies. They went into the equity in their homes, as they would take out home equity loans or refinances, things like that.

What did people do to make the ends meet as they needed to make purchases they simply couldn't afford because of the flat wages that they suffered through? They did other things, like sometimes go to payday lenders, and even sometimes had to resort to other sorts of means.

But what ended up happening is that, as Americans began to rely more on debt, they began to experience negative savings rates. Negative savings rates. What does this mean? This means that if you get paid every 2 weeks, on the second week, sometime around Wednesday or Thursday, you have more week left but you have no more paycheck left. That is what that meant. And that meant that you had to do something. Cutting back is what people did. Of course they cut back. But when you have food to pay for, mortgages to pay, things like that, you have got to do something, and people relied on debt.

In 2005 and 2006, we had a negative 1.5 percent savings rate, a negative 2 percent. I remember when I first got elected in 2006 asking one of our more conservative testifiers at a committee hearing what he thought about our negative savings rate in America. He said, "Don't worry about negative savings rates. We have got to recalculate what we mean by savings. Equity in your home, for example, is savings." Well, we now know, looking back from 2009, what that meant.

But I want you to know that even though the American people have suffered through these financial difficulties, even though we had to rely on debt, the American people made a decision that was in their best interests and decided, you know, we don't have good policy for our country. We need better financial policy that is more responsive to the needs of consumers. We need better fiscal policy that really invests in our infrastructure, puts money into people's pockets, increases jobs

and spurs demand. And this Congress and the 110th Congress, starting in the 110th Congress and in the 111th Congress, has done this.

Now, I don't like partisan politics, but I do believe in the truth, and I just want to point out that these difficulties that the American public has been going through, going into debt, taking on loan products that are difficult to afford, the American public really didn't want to get into this. But look how things changed, given the changing political reality.

This chart entitled "Subprime Lending," Republicans controlled Congress during all this period, 1996 right up to 2005. All this area, Republicans are in control of Congress. But in the shaded area, they are in control of the White House, too. Also on this chart you see subprime mortgages starting at \$100,000 up to \$700,000, and you see time on the bottom axis. And what is this line doing? It is going up.

You see during Republican control, when we had no regulation, when we had a nonresponsive Congress, when we had a Congress not listening to the American people, you saw subprime mortgages go up. But we began to fix this. We began to work on this. We began to act quickly. And today is an example of what I am talking about, the Credit Cardholders' Bill of Rights, which I hope to talk about in a moment.

But during these years when the Republicans had both the White House and the Congress, this shaded portion, what happened to subprime loans? They just kept going through the roof. As a matter of fact, since the Democrats got in control, we have begun to see a lot of action. But during the Republican-controlled period that I mentioned, 1995 to 2006, the Republicans, when they had the White House and the Congress, put out zero, passed zero in the area of financial regulation. The Republican scorecard, GSE, that means government sponsored enterprise, and subprime legislation, nothing. They did nothing.

Now, people don't like this sometimes because it is like, well, you are being partisan. I am not trying to be partisan, I am just trying to be honest. But what has happened recently, starting in 2006? What took place then?

Well, Democrats have passed bill after bill addressing the financial difficulties Americans are facing. Democrats today passed a Credit Cardholders' Bill of Rights. But this bill was passed in 2007 once the Democrats got ahold of the Congress. This bill we passed today is the second time we passed it. We are hoping that the other body, the folks down the hall, will pass a bill that matches up with it so the President can sign it. The President has made it clear he wants to sign a bill to help consumers with credit cards. But today we passed a bill again.

I want to talk to folks about what some of the basic issues were and what some of the basic features of the Credit

Cardholders' Bill of Rights we passed today are, keeping in mind the fact that the Republicans didn't pass anything when they had the White House and the Congress and during their tenure subprime loans were just going through the roof.

Here is what happened when you got Democrats in here. The Credit Cardholders' Bill of Rights ends unfair arbitrary interest rate increases. This legislation prevents credit card companies from unfairly increasing interest rates on existing card balances. Retroactive increases are permitted only if a cardholder is more than 30 days late, if a promotional rate expires, if the rate adjusts as part of a variable rate, or if the cardholder fails to comply with a workout agreement.

This legislation, which ends unfair and arbitrary rate increases, is good for the American consumer. This legislation lets consumers set hard credit limits and stops excessive over-the-limit fees. This bill does that by the following way: It requires companies to let consumers set their own fixed credit limit that cannot be exceeded.

So people think, well, look, you know, if I have a \$500 limit on this card, I don't want to spend more than that. This is my way of controlling my spending. Well, what some credit card companies do is let you still spend that \$501, but then they charge you \$35 for the privilege, "privilege" in quotes, that is. You didn't want that. That is not what you paid for. Now you can say \$500, that is it.

This bill lets consumers set hard limits and stop over-the-limit fees by preventing companies from charging over-the-limit fees when the cardholder has set a limit or when the preauthorized credit hold pushes the consumer over the limit.

What will happen? The credit charge is denied and you just can't buy that purchase. But maybe consumers want that so they can control their spending, or if they let their child use the card, they want to do that. So now consumers will be able to do this, if we can get this through the Senate and the President signs it.

This bill ends unfair penalties for cardholders who pay on time. It ends the unfair practice known as double-cycle billing. What is this? What is double-cycle billing? It is when card companies want to charge interest on a debt consumers have already paid on time. So let's say you paid your debt on time, but what they want to do is charge you interest on that debt that you paid on time. Is that fair? No. If a cardholder pays a bill on time in full, this bill that we passed today prevents card companies from piling additional fees on balances consisting only of left-over interest. And this bill prohibits card companies from charging a fee when customers pay their bill.

So there is this thing the credit card companies have called "pay to pay." Not pay to play, but pay to pay, meaning if you want to pay, you got to pay

in order to pay. That doesn't seem like it makes much sense. If you are paying your bill, they ought to take the money for the bill you paid.

This Credit Cardholders' Bill of Rights which we just passed, which addresses the credit card situation that people are facing, requires a fair allocation of consumer payments. This is an important thing, because it is through this clever little practice that a lot of Americans see their pockets get holes in them and their money run out.

What this means is many companies credit payments to a cardholder's lowest interest rate balances first.

□ 1645

Now, why does that matter? Because if you incur a debt, and part of that debt you're paying 10 percent on, and then you make another charge, and now the interest rate has increased and you're paying 20 percent on that other part of the debt, so now you've got two charges, one for 110 percent, another for 120 percent. They won't let you pay off the higher interest rate amount first. They pay off the lower interest amount first. Why? Because the higher interest rate for the longer period of time gets them more money, loses you more money.

So, companies credit payments to a cardholder's lowest interest rate balances first, regardless of when you incurred the debt, making it impossible for a consumer to pay off the higher rate debt. The bill bans this practice. This bill we passed today bans this and requiring payments made in excess of the minimum to be allocated proportionally to the balance with the highest interest rate. So now you can get out of debt.

Now, if you charge something on your credit card, you're not able to pay it off at the end of the month, you don't end up drowning in a sea of debt. You can get out of this muck, out of the mire.

The credit cardholders' bill of rights protects credit cardholders from due-date gimmicks. This bill requires credit card companies to mail billing statements 21 calendar days before the due date, and to credit as on time payments made before 5 p.m. on the day due. This makes a big difference because you might pay your bill on time, but they say, nope, you didn't pay on time. Why? Because we played some shenanigans with the due date.

This bill extends the due date to the next business day for mailed payments when the due date falls on a day the card company does not accept or receive mail; that's Sunday and holidays. Very good for consumers.

This bill prevents companies from using misleading terms and damaging consumer credit ratings. The bill establishes standard definitions for terms like "fixed rate" or "prime rate" so companies can't mislead or trick consumers by marketing and advertising. You know, the 9.9 fixed rate, until it's

not fixed. And when is it not fixed? Well, when they say it's not fixed. It's fixed right up until it isn't fixed anymore. When is that? Whenever we say it is. This kind of practice is not fair and is going to be stopped by this bill.

This bill protects vulnerable consumers from high-fee subprime credit cards. It prohibits issuers of subprime cards where the total yearly fixed fee exceeds 25 percent from charging those fees to the card itself. These cards are generally targeted to low-income consumers. So just think about it, somebody says come get a credit card. You're low-income, and they say, there's going to be a fee for having this card. So you say, okay, well, whatever. I don't know because the fine print has me all confused and I don't really get it. I just think I'm going to get a credit card.

So then what happens is you get the card. You sign on the dotted line; and before you even use the card for the first time, you find that there's already \$400 worth of charges on the card. How could that be? You've never really used it before. Well, the fee that they're charging you has been already put on the card before you ever used it. So if you cancel the card, you still owe them. And the interest rate just keeps on climbing. This bill stops that.

Now, I tell folks all the time that I knew that things were bad when my 19-year-old son, who wasn't working, kept getting credit card solicitations in the mail. And I thought that was a problem. But I knew we had a real problem when my 13-year-old son started getting credit card solicitations in the mail. Yes, if you're watching this broadcast, you may have seen a 13- or 12-year-old get a credit card solicitation. How does this happen?

Well, because you sign up for Sports Illustrated or some magazine, your name gets on the list, and then they start doing it to you.

Now, this bill says that it prohibits card companies from knowingly issuing cards to individuals under 18 who are not emancipated.

Now, the fact is, these are the basics of this credit card bill, this credit cardholders' bill of rights. It's responsive government in action. It's responsive government in action.

And I'm very proud to report that even though, when the Republicans were in charge of both the White House and Congress—I'm not happy to report this part—but even though they passed no legislation to protect consumers from subprime lending, and even though, during their tenure, which is from this period, 2001 and right up to the end of 2005, they controlled both the White House and Congress, they didn't pass anything. Subprime loans just went through the roof.

Even though those two things are true, there's a lot of Republicans who

did the right thing today, and I want to commend them. I can tell you that in the Financial Services Committee, we had nine Republicans vote for the credit cardholders' bill of rights. And today you only had 70 Members of Congress who voted "no." And therefore, you had over 130-some Republicans voted for this bill. They are to be commended. They put the interests of their constituents over that of certain credit card companies, and they deserve the applause and my personal thanks.

Let me say that it's time to rebuild our economy in a way that's consistent with our values, the economy that's built on a strong foundation, not financial schemes, overheated housing markets and maxed-out credit cards. We want to build an economy that offers prosperity in the long run, not just the short quarter.

American families face the reality of this financial crisis every day. We think the lending industry has continuously found new ways to make profits out of old regulations and has faced little oversight and needs a reality check.

As I say this, I want to commend that there are a number of good lenders out there, and credit cards are not bad in and of themselves. But there have been some bad practices. This credit cardholder's bill of rights allows for a basic floor, so that good credit card companies, watching bad credit card companies make a lot of money off those abusive practices, are not tempted to engage in those practices themselves. We're setting a floor. That's what it means to be a Member of Congress, to try to set a floor for our free market system to operate properly.

During the reign of the Bush administration, Republicans presided over a systematic weakening of financial regulations. And along with this deregulation, we saw the dramatic rise in subprime loans and consumer credit without increasing consumer protections.

I already mentioned this very troubling statistic, and I urge people to take a close look at it and examine it because it tells a very, very disturbing story. Some credit card companies, not all, have long engaged in deceptive practices that harm consumers, and real reform is long overdue, which is why we're so happy to have passed the credit cardholders' bill of rights today.

With credit card debt in the United States reaching record heights, nearly a trillion, that's trillion, with a T, and almost half of all American families carry an average balance of about \$7,300 in 2007, this bill could not come soon enough. This bill came right on time.

In 2008, credit card issuers imposed \$19 billion in penalty fees on families with credit cards. In fact, they weren't upset with you when you didn't pay off that balance every month. They were

quite pleased because they could hit you with a big old fee and you would have to pay a lot of money, which, if you're relying on a credit card, you might not have readily available.

This year, credit card companies will break all previous records for late fees, over-the-limit charges and other penalties, resulting in more than \$20.5 billion. That's a lot of money. And this is just—I'm not talking about their profits. I'm talking about their profits generated from over-the-limit charges and penalties and fees; not all profits, just penalty-based profits.

This legislation, which we passed today, the Credit Cardholders' Bill of Rights, would require companies to provide advanced notice of rate increases, while also placing restrictions on the ability of card companies to raise rates retroactively.

This legislation, the Credit Cardholders' Bill of Rights, is a comprehensive credit card reform package that also incorporates a bill I authored called the Universal Default Prohibition Act of 1990. I was proud to introduce a bill that was a stand-alone bill that had been woven into this larger bill, prohibiting universal default provisions.

Some people are lucky enough to not know what universal default is. But what universal default means is that if you have more than one credit card and if you default on one of them, you now get hit with late fees and increased penalties and interest rates on the ones you were on time for, because the credit card company can say you're now a higher risk because of the adverse action on the one card, and so they can hit you on the other cards.

Now, a deal ought to be a deal. If you say, I'm going to pay this rate and I'm going to pay on time and on this card, and you don't mess up on that one, they shouldn't be able to get you because of some other problem. I mean, your mortgage doesn't go up because you don't pay your car note on time. I mean, the fact is, your gym fees don't go up because you didn't pay a library book, get a library book back on time.

The reality is that this universal default practice is unfair to consumers, and there should not be any adverse action against you unless you default on the card that you defaulted on.

So we're now happy that this provision was in the legislation and encourage consumers to rejoice because this important practice is in the bill. This important provision is in the bill.

Currently, a credit card company can raise interest rates on a cardholder, even if he or she has never made a late payment to that particular company;

and that ain't right. This legislation bans most of the abusive practices, including universal default. I've worked hard to stop this harmful practice in part of my work on consumer justice. I'm proud to say that this landmark bill passed the House today. And even though last year the bill was not taken up by the Senate, we expect the Senate to take swift action, this Congress to enact crucial reforms to protect consumers.

We have a President in the White House who's actually concerned about the rights of consumers. And this is a golden opportunity to bring true reform to the credit card industry.

Again, this is not an anti-credit card bill. Credit cards help us. They help us rent cars, get hotel rooms, buy expenditures. This is not about being against credit cards. But it is about trying to stop some of the more abusive practices of some credit card companies that hurt American consumers when we can least afford to withstand some of these difficult practices.

I want to talk about what some of my colleagues who oppose the bill had to say. Some of them were quite critical of the bill and didn't vote for it. You can hardly believe it. Yes, it's true. Seventy people did not vote for the bill. I guess that's their prerogative. I'm sure that their voters will learn about this.

But my point is, I'd like to just talk a little bit about what some of their arguments were. One of the arguments was this: that if we stop these abusive practices, that it will dry up credit for everyone. This is not true. There are 10 big credit card companies, and over half of them don't do universal default. They're profitable. Other practices in the credit card industry are not done throughout the industry, but only certain companies do them.

The fact is, that some of these things that have been banned, many of these practices banned in this bill or restricted in this bill have been identified by the Federal Reserve, under a lengthy study, as abusive and deceptive practices. And so, therefore, if they're abusive and deceptive, are some of the critics of the bill saying that we must let the consumer exist at the tender mercies of what are abusive practices or there will be no credit? That simply makes no sense.

It's almost like saying that unless you allow a toaster that explodes every second or third time it's used, then nobody will be able to get a toaster because the price of making a safe toaster would make having a toaster for anyone too high. That's just silly, and we should never go for it.

□ 1700

We should always stand up against that.

I want to say that, as for this bill, the bill that we passed today, I'm proud of this bill. I was honored to vote for it, and I would vote for it again.

Let me just talk about a few folks from my district and what they said to me.

Kristen from south Minneapolis writes: "Dear Representative Ellison, I'm writing to you to ask you to support a strong version of the Credit Cardholders' Bill of Rights. This bill improves important provisions for protecting consumers. The main problem is that H.R. 627—" that's the Credit Cardholders' Bill of Rights—"won't be implemented quickly enough. We need protection from predatory credit card practices now. Predatory credit card practices drain hard-earned money from people like me who cannot afford these tricks and traps any longer. The credit card companies have been targeting me for no reason in the last 2 months. I have a good job and a decent credit score. Recently, I saw my APR go up because the banks are under financial strain. These are the same banks that received billions of dollars in unregulated support from the U.S. taxpayers, and now they're taking it out on us."

Annette, also from Minneapolis—my town—writes: "I'm very concerned about rising interest rates by credit card companies. I worry that this will turn out to be the same as banking and the housing crisis."

Mark from northeast Minneapolis writes: "We are residents of northeast Minneapolis. Due to our self-discipline, we have a top-tier credit rating. We recently received notification from Capital One that our credit card annual percentage rate would increase from a 9.9 percent fixed rate to a variable rate, which was 17.9 percent as of January 28, 2009. We find this action reprehensible. It is contrary to the needs of taxpayers in this economic climate. We ask that you sponsor legislation which limits and regulates usury practices for all financial institutions."

I just want to say to Mark from northeast Minneapolis: Did it today, Mark. Thank you. Thank you.

Eugene from south Minneapolis writes: "Would like credit card reform passed immediately. There should be limits set on interest rates in order to help consumers."

Mr. Stein writes that he has never been late on a payment, but Citibank just raised his rate by 5 percent while they were getting bailout money.

John from Minneapolis wonders why his rates on his Capital One card are increasing so much recently: "They're almost doubling. Please support legislation to stop this type of lending."

I'm just reading letters from my constituents. They're very concerned about this situation. They wanted somebody to do something about what they were going through in this tough economic climate.

So I'm just going to wrap up by saying that we have worked hard. We've gotten a lot of Republican votes on this legislation today. It was a bipartisan bill. I want to commend Democrats and Republicans for passing this bipartisan bill, which was passed with only 70 "noes" and 357 "yeas." That means it was bipartisan. That means that both

sides saw that this was an important bill to pass.

I want to say that I'm proud of groups like ACORN. Yes, I like ACORN. I'm proud of the AFL-CIO, Americans for Fairness in Lending, Capital Progress in Action, the Center for Responsibility, Consumer Action, Consumer Federation of America, Consumers Union, Demos, Leadership Conference on Civil Rights, NAACP, National Association of Consumer Advocates, National Community Reinvestment Coalition, National Consumer Law, National Council of La Raza, National Small Business Association—let me repeat that one—National Small Business Association, Opportunity Finance Network, Public Citizen, Sargent Shriver National Center on Poverty Law, Service Employees International, and U.S. Public Interest Research Group. They all wrote this really, really nice letter urging us to support this important legislation.

These are civil rights groups, small business groups, labor unions—people of all types—knowing full well that we've got to do something to rebalance the scales in this wonderful country of ours. That's why we have this Congress, so that Representatives can come here and say, We're going to set things right.

Now I'm going to take a few more minutes before I wrap up to say that this bill that passed today, the Credit Cardholders' Bill of Rights, is really, simply, a bill that signals greater change. In the near future, we will be taking up another important consumer justice piece of legislation.

This bill I'm referring to now is a bill that addresses this practice of predatory lending in the mortgage housing sector. This antipredatory lending bill, of which I am also a very proud author, is going to be up in a week from today, Madam Speaker. This bill, which we're going to get the chance to vote on in about a week, is a bill that is a long time in coming, and if we'd have passed a bill like this years ago, as advocates were urging us to do, we may not be in the situation we're in today.

I want to say that this important bill is going to be up next Thursday. If people, Madam Speaker, want to weigh in on this bill, they should start doing so now if they have not already done so, because it's coming up soon. We want folks to know that Democrats and some Republicans care about the consumer; we are not going to back down from fighting for the consumer, and we are proud to be able to represent the American consumer.

So, with that, Madam Speaker, I'm just going to say it's an honor to come before you and the folks watching.

I just want to say, as we begin to wrap up, that the American consumer has been experiencing mounting debt. As we see the average household income, this is a flat line going straight across. Do you see that flat line? It's just going flat. There are a few dips and a few dives and a few blips upwards, but it's a flat line.

What has not been flat? Nonrevolving credit card debt has been going down here all the way up here to the 110th. Revolving credit: also setting a trend upward. Home equity loans: going up. Mortgages: going up. The difference between this line and these up here explains why Americans have gotten in such difficult dire straits. Now is the time to start fixing it.

We see two things happening that are very important for the American consumer. On the one hand, we see financial regulation. On the other hand, we see the American Economic Recovery and Reinvestment Act put into our economy to reinvest in infrastructure, to invest in innovation, to invest in health care, to invest in a renewable economy so that we can actually increase demand, increase jobs, increase tax revenues, and get ourselves out of the deficit. We see ourselves plugging the holes that these credit card companies and other debt instruments have created for the American consumer.

Help is not only on the way; help has arrived. You see responsible legislation coming forward so that the American consumer and the American economy can fly high, once again, as it has in the past. Consumer justice is what we need. Consumer justice is what we're getting.

Madam Speaker, it has been an honor to come before you.

#### A PERFECT STORM

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

Mr. KING of Iowa. Thank you, Madam Speaker. I appreciate the privilege to address you here on the floor of the House of Representatives.

As often happens, if I come down to this floor for the purposes of addressing you in this Special Order hour, I find myself following the gentleman from Minnesota, who was here with his posters up, advocating the Web site of the Progressive Caucus and advocating for things that I just simply disagree with. I went over and looked at the charts because I was trying to understand what kind of insight was being conveyed, Madam Speaker. I know he was addressing you, but you couldn't see the charts, so I'll describe to you what I saw.

I saw the chart that showed the subprime loans that started in about 1995. It grew. Then the numbers of subprime loans diminished in about the year 2000, at about the time that George W. Bush was elected President. Then they increased again substantially throughout that period of time until such time as there was an abrupt end to the chart, which was the beginning of the Obama administration. So I guess we don't know the trend since President Obama has been elected, but here is what I also hear:

I hear criticism of the past administration, criticism of the past majority,

in other words, criticism of Republicans because subprime loans went up during that period of time. I hear defense of the Community Reinvestment Act because the Community Reinvestment Act apparently, one could conclude, was properly crafted legislation that brought about a good result. There might have been an even better result, if I'm hearing the gentleman from Minnesota correctly, if it hadn't been for Republicans in the way of administering this in a fashion that would have been different and that would have been done if we would have had, say, President Gore rather than President Bush and now, of course, President Obama.

The Community Reinvestment Act was something that was put in place so that there could be more loans that went to minorities, especially in the inner city, and it recognized that there were lenders that would draw a red line around some of those districts in the inner cities because they saw that crime rates were going up and that property values were going down, which was in inverse proportion to the crime rates. As the inner cities began to devolve, the lenders understood that it wasn't a good place to put their money, so the Community Reinvestment Act was passed in 1978 to provide an incentive for lenders to loan into those inner cities because they wanted to get away from the redlining that was being done.

I think it was done with the right motivation, but what you saw were the results of the Community Reinvestment Act—those results on the chart, Madam Speaker.

In fact, what you didn't see was the result on the chart that showed an increased number of subprime loans, and the subprime loans that were increasing were in response, in significant part, to the Community Reinvestment Act, which compelled lenders to make bad loans in bad neighborhoods. So they devised this method of subprime loans that they could get so they could get more bad loans into these bad neighborhoods in order to comply with the Community Reinvestment Act so that they could take some of the profits from other places and invest and expand their operations. They couldn't expand. They couldn't meet the regulation requirements of the Federal Government unless they complied with the Community Reinvestment Act, and so they made bad loans in bad neighborhoods, and they created the subprime loan market, at least in part, to comply with the Community Reinvestment Act.

The President, President Bush, came to this floor, Madam Speaker, where you're sitting—in fact, in front of where you're seated right now. President Bush addressed this Nation in his State of the Union Address. This would have been January 28, 2003. He said that we had the highest percentage of homeownership in history, that we had 68 percent homeownership in the

United States of America. Democrats cheered, stood and cheered. Republicans stood and cheered, because we wanted people to own their own homes. Everybody wanted that to happen. It was being led by Republicans, but it was in reaction to a Democrat law called the Community Reinvestment Act, which put bad loans into bad neighborhoods so lenders could expand in other neighborhoods and could expand their operations.

The Community Reinvestment Act was inspired, I think appropriately, but it was bad law because it didn't hold collateral underneath the loans that were being made. It encouraged bad loans.

We heard a Member of Congress on the floor last night say that she was part of ACORN when they went into bankers' offices to intimidate the lenders so that they would make more bad loans in more bad neighborhoods, driving up the subprime chart you saw from the gentleman of Minnesota, and building a rotten foundation underneath our financial structure in America. When it began to crumble and collapse, we saw the downward spiral in all of our markets, not just in America but in the world, because we didn't have our finances built on a sound foundation.

You can't make bad loans in bad neighborhoods with little or no down and with collateral that is diminishing in value and, by the way, without a fixed interest rate, with a floating interest rate that is going to go up over time.

We know that Alan Greenspan saw the bursting of the dot-com bubble, and he decided he would try to shore up that hole created by the bursting of the dot-com bubble by creating a housing boom, a housing market that would lift this economy. He did that with unnaturally low interest rates. That was built into the Community Reinvestment Act. Then there was the intimidation that was going on by ACORN that was, in significant part, funded by the American people's tax dollars. They would go into a bank or into a loan banker's office—let's just say the south side of Chicago. I don't know why I think of that, but I do. They would march in there with a group of people from the neighborhood, shove the banker's desk out of the way and begin getting in the face of the banker and intimidating him into making loans to people who don't have the means to pay them back. Then they have the audacity to come here to the floor of the House of Representatives and blame this all on Republicans. The Community Reinvestment Act was a Democrat bill.

□ 1715

It was sought to be adhered to, not just to the letter of the law but the intent of the law, by the lenders who made some bad loans. And yes, there was greed involved and there was some mindset that existed there which was

the lenders would just keep doing what everyone else did, understanding that if they did that, everybody would be making or nobody would be making money. So if they're making money, then each participant would be making money. Also understanding that if things fall apart and blow up, these big lenders would be bailed out along with the other big lenders, that mindset existed.

This was a perfect storm, a perfect calamity, a chain reaction of the disasters that took place, rooted in 1978 in the Community Reinvestment Act. It was built within the Fannie Mae and Freddie Mac, which were undercapitalized and underregulated and the chairman of the Financial Services Committee resisting every effort to try to regulate and capitalize Fannie and Freddie.

And while that's going on, the bursting of the dot-com bubble, the shoring up of a housing boom with low interest rates, subprime loan mortgages, bankers that saw an opportunity to use those mortgages to increase their portfolios with the subprime loans that were bad loans into bad neighborhoods to satisfy the Community Reinvestment Act. And all of this going up to the point where we had bundled mortgage-backed securities that were guaranteed by AIG, which set premium rates on it with no one able to look over their shoulder. They had such a large market share, there wasn't competition, and they set the risk without oversight.

This built into mark-to-market accounting, and add to that, the credit default swaps which were part of all of this, and bundles of mortgage-backed securities that start out with a loan in your local bank or your local savings and loan that would then be sold off into the secondary market, perhaps picked up by Fannie Mae or Freddie Mac, who would then bundle it up into a bundle of like secondary-market mortgages and sell that into the marketplace on up to the investment brokers or investment bankers on Wall Street, who would take that thing and slice and dice it and tranche it, they say, and bundle them up in different packages.

What was going on with these mortgage-backed securities was the equivalent of if you have ever been to a farm sale or a yard sale, a house sale where they put the hayrack out there and the auctioneer begins to sell these things off that people don't really want very much. So he will put a washtub out there on the hayrack, and nobody will bid on it, and then he will throw in a hammer and crowbar and some old pictures and some nuts and bolts, and pretty soon somebody will bid on it because there is one thing in there that they want and then he'll sell that to them. And then that washtub goes back to the garage of the buyer. He sorts that out, and he's already bought several others at other sales, and then he will sort out and he will take all of

the hammers and take them and sell them at a sale where it brings a better price for hammers. And then he'll sell the crowbars at that kind of sale and the garden rakes at a different sale, maybe.

But in the end, slice, dice, tranche, shuffle, cut, deal these mortgage-backed securities up through the financial chain—so many times that nobody knows not necessarily where they originated but how they actually got all the way to the other end of this chain—evaluated not on the value of the real estate, which is the underlying collateral, but evaluated by the premium that you had to pay to AIG to ensure that these loans would perform. All of this into a financial market system that was the underpinnings of what should have been the actual asset value of the mortgage-backed securities, not the performance of them, in my view.

So, we have a lot of things we need to fix in this Congress. But this Congress is so busy shifting blame that we cannot get to the solutions that we need to have at hand. We need to repeal the Community Reinvestment Act. We need to capitalize and regulate Fannie Mae and Freddie Mac equivalent with other lending institutions, and we need to privatize them eventually. We need to end mark-to-market accounting. That's the kind of accounting where if you have an asset value on your balance sheet today and you're required to post that value, you have to go out to determine what is the actual bid for that today.

And so a bundle of mortgage-backed securities, for example, would have a rating, a rating to them, say AAA, and there would be a certain bid. So you would have to adjust your balance sheet to what those bids are. And now if there happened to be no bids, you might go from \$60 million down to zero, effectively, overnight.

I would compare it to—let's just say if you had your grain bins full of corn and corn was worth \$4 a bushel, you would multiply 10,000 bushels, for example, by \$4 a bushel, and you end up with \$40,000 worth of corn. You put that on your balance sheet. Now, that's fine. It's legitimate, and I would nod my head in agreement. But what if a big flood comes along, washes out all of the bridges and there are no trucks running, no rail lines running, nobody is transferring, shifting any grain? All of a sudden, this grain that's in the bin that has value, you have to evaluate it at zero.

That next day along came the flood, your \$40,000 worth of corn goes to zero. You know, you put that in your balance sheet and you go to your banker and say, I want to borrow \$30,000 to put my crop in. Sorry. There are no bids on corn. You don't have any asset value here. So if you don't have any other assets, we aren't going to loan you any money. That's how that works.

So the bankers come into the lending institutions, and they will say, Give

me a look at the collateral that's there. And if this collateral is mortgage-backed securities, commercial paper, or there are no bids on it or the bids are dramatically down because the instability takes away the marketplace, then it gets marked down and the bank has to go out and recapitalize, get their capital level up. That means they have to call some loans. That means they have to quit giving some loans that they might be giving to some really effective entrepreneurs that have a real opportunity, and our economy begins to shrink.

All of these things flowed out of this not because George Bush was President, not because Republicans had the majority in the House of Representatives and the Senate for a time. It flowed because we had, from a long time back in our history, back to 1978, had a series of mistakes, one stacked on top of another that set up this scenario for this perfect storm. And we're not able to even identify that or hold a legitimate hearing in this Congress that can shine some light on what has happened so that we can start to fix the problem.

No, we're into growing government. We're into a lurch to the left that every time we have a financial problem with an institution, what happened? The President of the United States steps in and takes a step to nationalize the private sector businesses which are the mother's milk of our economy.

Private sector is the goose that lays the golden egg, and when government competes with it, it starves that goose and she can't lay those eggs like she did before and, eventually, she will stop laying eggs altogether.

But the nationalization of General Motors and the nationalization of Chrysler—it was Daimler Chrysler. They got out of it. They dropped a few billion dollars and stepped away. And now we have the President of the United States who came out on a specific day, I think—I don't clearly remember that exact day, late March—March 26th would be my guess, and he took credit for nationalizing General Motors, firing the CEO, hiring a new CEO. That means the White House is managing General Motors. And he took credit for directing that Chrysler merge with Fiat, the Italian company, and that they would now be compelled to make automobiles, at the direction of the President, that got a certain mileage and they were energy-efficient vehicles, whether anybody wants them or not.

Now, Madam Speaker, I can go back and look at the parking lot at my church, and I happened to take a little note. It was Palm Sunday, I noticed. It was hard to find a car in that church that would meet the satisfaction of Speaker PELOSI or President Obama—I am not sure what HARRY REID thinks—because we couldn't have gotten to church on a two-wheel drive vehicle that day. I would have to have—mass transit means something different

where I come from. You'd have to come home and set up some transit to get me to mass if I didn't have a four-wheel vehicle to get me through the snow on Palm Sunday. That's the place I live. That's the way my neighbors are.

But this idea that the President of the United States can nationalize major corporations—what is a more American business than General Motors, Chrysler Motors? I guess Ford is more American today because they said, Don't give me the money. I don't want to have strings attached. We think we can run this business without government intervention, without the government bailing us out.

And what we saw happen was a President Obama that went down to the Central American conference—and I was looking for him to join up with President Uribe of Colombia. We have an important free trade agreement that we've negotiated in good faith with Colombia that not only is it important for our trade to be able to export to Colombia and cash their checks and bring the money back here to help our balance of trade and allow them to trade back to us, yes, but it's important from a national security perspective. It's important for the security of the Western Hemisphere.

The FARC rebels down in Colombia, the Marxist rebels that are in Colombia, President Uribe has been fighting them, and he's been defeating them; and he's been fighting the drug smugglers and the drug cartels, and he's been defeating them. We need a President of the United States that would go down there and do a big glad-handed grin with President Uribe and say, We've negotiated this bipartisan—it actually is bipartisan—bilateral free trade agreement with you, and I want it brought to the floor of the House of Representatives and the U.S. Senate for a vote in accordance with keeping our word of honor in the best interest of the United States, Colombia, and the Western Hemisphere.

I saw no photo-op of any meeting that took place with President Uribe. I just saw the video and the photos that took place with the glad-handed gripping handshake—somebody said a fist bump. I didn't actually see that, but the two grinning leaders side by side. And the image that I saw was this:

Chavez went to the United States a year ago and called our President of the United States El Diablo, the devil, and he said there is a stench of sulfur here that lingers from his speech yesterday. The most vile insult I can ever remember on an international stage. And what do we see within the first 100 days of President Obama's administration is a big, glad-handed, grinning handshake with an extra hand up on the arm to really reestablish this—apparently a happy get-together that I don't know if it was planned by staff or it was spontaneous.

But it says two things very loudly to me, Madam Speaker. One of them is there is no penalty for challenging the

United States and insulting the biggest funder of the United Nations. We pay way more into the United Nations than anybody else to support the Security Council, to support the United Nations, and what do we get out of the United Nations? Just insulting resolutions that attack the United States and/or Israel. That's what we get out of the United Nations. We host them here. And instead, it's a constant drumbeat of insults against the free people in the world, the leader of the free people in the world, capped off by Hugo Chavez's vile insult against the United States of America and our Commander in Chief and the leader of the free world. And our new President goes down to do a glad-handed handshake so all of the world can see there is no penalty for that kind of a vile insult against the United States of America. That's the first message that comes out.

The second one is this other message, these two leaders of their own sovereign countries, within less than 30 days of each other and just last month, nationalized major businesses within their own countries. President Obama nationalized General Motors and Chrysler and Hugo Chavez nationalized a rice processing plant that belonged to an important Minnesota company, Cargill, Cargill Company. The gentleman from Minnesota who just spoke doesn't seem to have an ounce of heartburn about the nationalization about a proud and important Minnesota company, Cargill. Chavez just went in and said, I own this now. This is my ground. I will run it the way I see fit because I am not happy with the way you run your operation. If you try anything else that's out of line, I'll take care of any other property you may have in Venezuela.

Well, I have got an answer for Hugo Chavez, Madam Speaker, and it's this: We produce enough ethanol from corn in America today to completely replace any of the energy that's coming from Venezuela.

□ 1730

We can replace it all just with the ethanol we produce from corn.

So we don't need Hugo Chavez. And I don't need his gas stations in this country, and I don't need his leering grin coming out of my television. He is a self-evolved Marxist, a hater of the United States, and someone who is building relations—not just diplomatic or political, but military activities and operations with the Russian Navy and our own Caribbean designed to send a message to the rest of the hemisphere; Hugo Chavez is a troublemaker.

And what does our President say about that? He says, well, the national military budget of Venezuela is only one-six hundredth of what ours is, so it really isn't a threat. Is that what you measure? Do you measure the money that they are spending today on military, or do you measure what this means when it sends inspiration to FARC, the Marxist revolutionaries—

the Marxist rebels is what they are—in Colombia that undermines Uribe, who believes in freedom and free enterprise and a rule of law, our sound partner—that we can't even get a vote on the floor of the House of Representatives to ratify a free trade agreement that was negotiated in good faith by our U.S. Trade Representative, under the direction of President Bush, with a legal obligation to have that vote within 90 days of it being presented to this Congress. No, even the rule of law, even that commitment was defied by order of the Speaker with a convoluted rules vote that undermined the very law that was in the books, the good-faith provisions.

So, Madam Speaker, we have a whole series of different concepts here that I think need to be debated, and I brought out some of them. But when the gentleman from Minnesota talked about his reverence for ACORN, his reverence for La Raza, that also comes with the Congressional Black Caucus, the Hispanic Caucus, a whole list of separatist groups here that exclude Members from their list. There are a whole lot of Members of Congress that can't walk into either one of those caucuses I mentioned; they wouldn't be accepted in there. They can't be members because they don't have the right race. And they get a pass. And I just say, let's treat everybody equally. Let's just recognize we're all God's children, we're created in His image. And He has seen fit to bless us with characteristics so we can tell each other apart. Why do we fight that? Why don't we just accept that and recognize it and be grateful that he has a wisdom that maybe we don't see as well as we should.

But, instead, we have a legislative effort that is determined to divide Americans and pit Americans against Americans. Why, majority party, why does the President of the United States, Madam Speaker, why are they determined to divide us? I would like to know the answer to that question. Don't divide us; unite us. Unite us by eliminating these classifications of race, sexual orientation, gender, skin color. Let's look at everybody as an individual intrinsic in their sacred value as a human being. And if we do that, we can continue to move down the path of the things that actually do unite us, like establishing English as the official language of the United States, a common form of communications currency that would bind us together.

The things that bind our culture together are important components. What is it about being an American that makes us unique? What is it that makes it common for us to be Americans? What do we have in common? What are these characters, Madam Speaker? And I will submit this: we, for the most part, do speak a common language. You can pick up a newspaper most anywhere in America, open it up and read it and be able to understand it. You can walk into a city council meeting most anywhere in America

and conduct that business in English so that you understand what's going on there. You can travel across the breadth of this land and find Americans that get that feeling in their stomach and in their heart and a tear in their eye when they see the Flag come down the street in a parade on Memorial Day or at the cemetery or in the parade on the 4th of July. Americans bound together by a common history, common experience, having pulled together. Americans that were pulled together when we saw the attack on this country on September 11 in New York, Pennsylvania, and the Pentagon. Those attacks bound us together.

I know about the divisions in America; I hear them here every day, the debates we have against each other, the parochial differences that come up—urban versus rural, North versus South, right versus left. All of the divisions that are economic interests—manufacturing States versus the intellectual property States versus the ag States, cotton versus corn in the Ag Committee. These things go on constantly. And yet, when this country was attacked on September 11, I remember seeing the devastation. I remember watching the buildings tumble down, the flaming buildings go down and the dust go up. And as I watched that, a sick thing came through my heart. And I watched Americans in the Midwest transfixed in front of the television at the Clay County Fair, to have 70 and 90 people standing in front of the television at one of the displays, it went on all day long, just a constant rotating dirge. It was like being at a wake, the sadness and the mourning and the prayers that went up for the victims and their families all across this country.

In our schools, prayer came to the public schools September 11, 2001. And no one objected on that day. Many of our public schools gathered together, filled their auditoriums, brought their pastors in, stood all of the students and the parents that came together and they joined hands and they prayed together and they read Bible verses together in an ecumenical expression of faith and unity and hope and prayer for the victims and for this country. All that was fine when we were under the stress load of being at war and of the attack that came our way.

I remember, also, a picture of a young black man who was standing on a street and the smoke was rolling down the street. And as he stood there, his face was covered with dust, but one tear washed his cheek from gray to black, and that tear said more about the unity of this country than any image that I have seen in association with September 11. It sticks in my mind what kind of a Nation we are.

But I also knew, as the discussion about how many people had lost their lives, in those Twin Towers in particular, the numbers went up, estimations from 10,000 to 15,000 to 20,000—

20,000 was the highest number I heard. And I can remember as the estimate went down, and as each time the estimate went down from 20,000 it was with a sense of relief that it wasn't as bad as it might have been, it wasn't quite as bad as we thought it could have been. And as those numbers went down and they approached that 3,000 number—which is the one we use today that I think is pretty close to the numbers of people we lost that day—I remember the relief that I was feeling as the numbers went down, while at the same time I knew that the lower the numbers were, the sooner we would forget about this attack on Americans on our soil, and it would be in inverse proportion.

If that number had gone down to zero, if it had just destroyed the buildings and no one had been killed, I would submit, Madam Speaker, that we wouldn't have had these wars that we're in. This would have been a law enforcement practice a long time ago instead of a war against these radical jihadists. But we lost more people on September 11 than we did in Pearl Harbor. And the attack was on the continental United States in a domestic facility rather than—at that time not yet a State—the great State of Hawaii and the attack mostly on a military base in Pearl Harbor.

And so immediately afterwards I heard from Members of Congress and leaders, thought leaders, it was, what did we do that caused them to hate us so much that they would attack us? And part of this Nation went into this introspective mode of trying to figure out what we might have done wrong because, after all, part of the guilty Americans—which usually come from this side of the aisle—are always looking for a way that it's the fault of the people on this side of the aisle, like subprime loans are President Bush's fault somehow, or Republicans' fault, and somehow we should not have done the things that caused them to hate us enough that they attacked us on September 11.

I went off to those weekend séances with bipartisan Members of Congress—I point out that I call them weekend séances facetiously, Madam Speaker. But I sat for 3 days on end in rooms with other Members of Congress that constantly asked the question, What did we do wrong? What did we do wrong? How are we ever going to get ourselves to where they don't hate us anymore so they quit attacking us? And what are we going to do if people are willing to die when they attack us?

Well, in the first place, it's not our responsibility to know what causes a person to be so deranged that they would fly planes into buildings just to kill people because of the success that we have. They hate our freedom. They hate the success of our free enterprise capitalism. They must have burned some subprime mortgages on that day—maybe that's a measure of happiness for the people who think they are

naturally bad. But it is not our responsibility.

We had a series of Middle Eastern experts in the room, and they had been talking for several days. And I finally posed this question, and it was this: Of that culture—and I hesitate to call it a civilization—of that culture, what has been their contribution in the area of math, science, medicine, or chemistry in the last 700 years? Can you give me a single contribution that that civilization has made in the last 700 years? And of all the experts we had there, not one could come up with an answer because the improvements in civilization have come from outside that type of a culture.

We have a culture here that is grounded in the things that grow us and make us good. We are rooted in the rights that are in the Bill of Rights and natural law and free enterprise capitalism and property rights and the entrepreneurial spirit and the vigor that comes from the donor civilizations that have sent immigrants to America from the first day. We have had that vigor of the people that had a dream, and they were willing to take a risk and go across an ocean to come here to build a dream on this continent. That is unique about America. They hate that. They haven't seen that level of success. And so they just simply say, we want to kill you unless you will kneel before us and accept our God and reject your own.

It is not my job to know what is going on in their heads. We can try to understand it so we understand our enemy better, but we are not going to accommodate to that kind of thinking, Madam Speaker. We need to challenge it, we need to defeat it wherever it exists, and in fact we've done so in Iraq.

In Iraq, we have reached a definable victory in Iraq, and I have introduced a resolution that says so. And it has its purpose. But the reason that I will say that we reached a definable victory, the list of reasons come along this way: that ethnosectarian deaths, from our high, have dropped 98 percent, civilian deaths have dropped 90 percent in Iraq. We had three successful elections, one constitution that has been ratified in Iraq. The distribution of the oil revenue has been, in a fairly reasonable process, has distributed that revenue from Baghdad out to the other cities.

The mayor of Fallujah has declared it to be a city of peace. The mayor of Ramadi sounds like the mayor of Peoria: "I need more money for sewer water, lights and streets." The mayor of Fallujah said it is a city of peace. They are going to repair every sign of war in Fallujah and plant a lot of flowers instead so that one day soon when we go to Fallujah there will be no sign of war.

All of those things are good signs that this war has gone to the point where we have achieved a definable victory. But the most important statistic is, from June 30 of last year until the last report that I received some days

ago, the loss of American lives in Iraq has been equal to or less for those Americans lost in accidents than we have to the enemy. That tells you when a war is going the right direction.

Those statistics tell us the right things. They don't give comfort to the families who lost a son or a daughter there. They deserve our constant prayers and respect and appreciation for their noble service and their noble sacrifice. But George Bush ordered the surge. Had he not done that, we would be looking at having already pulled our troops out of Iraq and chaos would have ensued, and there would be a defeat in Iraq. And you cannot retreat and declare it victory; you must own the land you fought for before you can declare victory.

And so the ideas that came from some of the people, like the gentleman from Pennsylvania that said it is a war that can't be won, it's a civil war, we have got to get out of there, we've got to retreat to the horizon—we find out the horizon was Okinawa, which takes me back to the courage that this Nation needs to have to face the enemies that we have, and the fear that we had because four planes were crashed into the United States and we didn't know how to fight these people that were willing to die to kill us. Well, Okinawa tells us how.

I went to a National Convention of Survivors of Okinawa a few years ago. They faced 4,600 Kamikaze attacks on the fleet, on their land forces around and on Okinawa. It was a massive suicidal effort to try to wipe out our American forces and a last ditch stand to stop the efforts of the American invasion of Okinawa; 4,600 Kamikaze attacks, and we are worried about four.

We think we don't have the steel within us, the mettle within us, the conviction within us to face off against people like we have today, when you think of what happened in World War II, two-front war, global, 16 million men and women in uniform and in arms and an industrial base that supplied the world because the Second World War destroyed the rest of it.

□ 1745

We are a Nation that became the world power and one of the two competing superpowers until the end of the Cold War, which resulted in one lone superpower, the unchallenged greatest nation in the world economically, militarily, socially, cultural, the beacon for freedom, the inspiration for the free people of the United Kingdom from which originated the English language, which binds us together, and the inspiration for freedom that goes with that language wherever it goes around the globe.

When I read Winston Churchill's History of the English-Speaking Peoples, I finally closed that book and I thought of all the places the English language has gone, it's been accompanied by freedom. Freedom has followed. It's gone with the English language. There

is an inspiration that's built into the culture that makes us the vanguards, the defenders, the beacons for freedom. We have that responsibility, Madam Speaker, and it's a responsibility to stand up to the tyrants of the world, whether they be Osama bin Laden, Hugo Chavez, Ahmadinejad. Anybody that undermines freedom is our enemy. And anybody that adheres to and loves and works for and sacrifices for freedom, we adhere to them. The free people of the world need to stand together.

I had a lunch with the Japanese, some members of their Parliament, today. And I said to them that the peace and the security of Asia will depend significantly upon our ability to be friends together today, but peace is not achievable unless we have freedom, and we must defend our freedom.

And then bringing us back to the issues that have been before us here in this Congress this week and last week, there has been an effort to undermine the freedoms of the American people. We're losing track of those underpinnings, those pillars of American exceptionalism. The majority that's here that seems to want to spend their time criticizing the past President, criticizing the past majority in the House of Representatives, and criticizing the past majority in the United States Senate, the people that just can't let go of their rooted criticism for Republicans, the people that can't move on, that must be drilling down and blame shifting back onto our side of this aisle, have lost touch with the fundamental values of human beings. They've lost touch with the criminal law, the criminal law that flows from English common law, the traditions that were there. Criminal law rooted in, if it's the king's deer and you kill the deer, you've committed a crime against the Crown. And if anyone ever is a victim of a crime and they go to court to support as a witness or to observe the proceedings that take place in a criminal prosecution, they will hear the clerk or the bailiff announce this is the case of the State versus John Doe, the alleged perpetrator. They don't say anything about the victim. They don't say that Mary Jones, the victim of this crime, is involved in it. They say that this case is the State versus John Doe, alleged perpetrator. That's because the crime is presumed to be committed against the State, not against an individual victim, rooted back from if you take the king's deer, you've committed a crime against the Crown. If you kill one of the subjects of the king, you've killed one of his assets that he would be deprived of the labor of the subject; so when the king gets his version of justice, the actual victim of the crime is not in the equation anymore. It's the State versus rather than the king versus the perpetrator of the crime.

Now, that's one of the fundamentals, but it always was punishment for the criminal based upon the overt act of the criminal, the action itself. Not the

thought, not what went on, not the motivation, but the very act. If you assault someone, we punish you for assault, assault and battery. If you attempt to murder someone, we punish you for the attempted murder. If you murder someone, we punish you for the murder itself, not for the murderous thought that might have preceded the murder. And if you rape someone, we punish you for the rape, not for the motivation or the thought. Now, it might come into a sentencing hearing, but it's not part of the crime, until this House of Representatives, in a breath-taking leap away from hundreds and hundreds of years of criminal law, leaps into this arena to declare that there actually are thought crimes that should be punished separate from the act itself. Now, they call it "hate crimes" and they call it Matthew Shepard's law and they call it a lot of other things, but it's thought crimes, Madam Speaker.

Someplace in here I have the text of the book Nineteen Eighty-Four, written by George Orwell. Orwell wrote this book in 1949, and he made a prediction that there would be thought crime control taking place in the world by 1984. Now, we are here in 2009; so he was a little bit ahead of himself in the thought crimes prediction arena. But he said, and I'm going to just paraphrase, Madam Speaker, that we don't care about any overt act; we care about the thought. It's the thought that counts, because if you can control the thought, you can control the act.

Now I do find it here, Madam Speaker, and here it is verbatim from the book Nineteen Eighty-Four. This is the new totalitarians speaking to Winston: "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."

Madam Speaker, that's what this hate crimes/thought crimes legislation does. It controls, it punishes the thought. And now it sets up a special class of protected people and it subverts our language in a way that's not defined, and I had indexed it from the bill. It subverts our language this way: It replaces the word "sex" with the word "gender." And here's why, and I have some history in litigating this. Here's the definition of "sex" from Black's Law. "Sex: The sum of the peculiarities of structure and function that distinguish a male from a female organism." The physiology of male versus the physiology of female. That would be your sex. But the word "sex" has been constantly replaced in this society willfully in a premeditated way by, let me call them, homosexual activists who see the law of this and they

began to push this in this way: They replace the word "sex" with "gender." And "gender" is used in this hate crimes/thought crimes legislation. And here's the reason: Gender is ambiguous; sex is specific. Anybody can identify a male from a female. Any plumber or electrician can do that easily. They see the sense in my argument. Some others do not. But sex is specific to the physiology, the physical characteristics. Gender is not so. The definition of "gender," and I'm in the American Heritage Dictionary now, it might be the condition of being female or male.

It's odd that they're so politically correct that they actually willfully switched the male-female to be female first. That's okay with me, but I just noticed that in our literature these days, too.

"The condition of being female or male sex." Gender might be that. But right below that it says that "gender is your sexual identity, especially in relation to society or culture." So if you have a gender that is a sexual identity, doesn't that include a cross-dresser, someone that goes out on the streets as the identity of a female that may have the physiology of the male? That definition doesn't fall under "sex." You don't have any cross-dressers under "sex." They are whatever anyone can determine they are by the physiology of being male or female, but now this legislation plugs the word "gender" in.

I tried to replace them, Madam Speaker, but the amendment was voted down exactly by party lines. Now they're a special protected class of people. You can't discriminate against anyone because of gender. You may not be able to determine what it is. That's in the head of the alleged victim.

Then you have gender identity. The definition of "gender identity" gets a little bit broader and a little harder to nail down. But gender identity, the definitions that come along with this become definitions that are either a mental definition or a physical definition or, in some of these cases of the paraphilias, of which there are about 547, it can be the act as well.

But we don't know from reading this legislation or talking to the people that wrote it what these words really mean. So if you have sexual orientation, gender identity, and gender identity can be a person's own sense of actual or perceived gender-related characteristics. That sounds a lot like gender to me under that broad, loose definition that's there. What would be the physical definition of gender identity? Could anybody take a look at someone who said that they are of a specific gender identity and determine if they were that gender identity? No. We can determine their sex independently, but the individual has to characterize their gender identity because that's a self-perception, and then it may or may not include a particular act.

But when we get to sexual orientation, sexual orientation includes paraphilias that are listed here by the

American Psychological Association. And paraphilias are "a powerful and persistent sexual interest other than typical sexual interest." There is list of 547 specific paraphilias. I call them proclivities. Many of them are perversions, Madam Speaker. The gentleman from Florida (Mr. HASTINGS) read a whole list of them on the floor in the debate yesterday: asphyxiophilia, apotemnophilia, autogynephilia, kleptophilia, klismaphilia, necrophilia, pedophilia, and we know what that one is—that's, of course, the sexual activity with children—urophilia. There are some phillias. And the gentleman from Florida said, I think we have to have special protected status from all phillias whatsoever, all proclivities whatsoever. These that are perversions are specifically, at least within some of the idea of the definition of this legislation, protected.

It's outrageous to think that the amendments to protect the unborn child, the amendments to protect the pregnant mother, the amendments to protect the senior citizens, the amendments to protect our uniformed soldiers from this kind of hate crime against them motivated by what's in the head of the perpetrator were all voted down in the Judiciary Committee and denied to be debated on the floor of the House of Representatives because we had this draconian closed rule that would not put these Members up and require them to make a decision on whether they were going to protect these proclivities, these paraphilias, these perversions, while we had one Member say, yes, they're protected in this law. We had one of the strong advocates of this bill say, no, it's only homosexuals or heterosexuals.

Presumably it's not bisexuals. Well, I don't know what happens when you cross the line between heterosexual to homosexual. There must be somebody in the middle that's a bisexual that she would want to include. But this lack of specificity gets us in trouble, Madam Speaker.

Another thing that gets us in trouble is the statements that are made in the debate in this bill that are just flat erroneous, such as, well, it requires a crime of violence before it will kick in the Federal extra penalty against someone because they've committed this hate crime/thought crime. It requires a crime of violence.

Well, it doesn't, Madam Speaker. It doesn't require a crime of violence. It does under the imposition of the Federal law but not when we are sending the Department of Justice down to any political subdivision, city, county, or State, municipality, parish, tribal area, to help out with prosecution there. Then we honor whatever they might have written into their local ordinance for hate crimes.

□ 1800

We use Federal forces to enforce it, and these crimes can be committed against property, specifically in the

bill that can be crimes against property, not just crimes of violence against people. And here is where it comes from. They reference the section in the code.

So I go to this section, and it's a definition of crime of violence. And it says: "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 as an element."

Even the threat of physical force against only the property of another, if they presume that it's motivated in part by a built-in bias against someone's proclivity that cannot be divined by the perpetrator but has to be self-identified by the victim.

Sounds a little like the sexual harassment that we debated here in this Congress about the time, well, it was exactly at the time of the confirmation of Justice Clarence Thomas. It sounds a lot like you can sexually harass someone and not know it, because the rationale is it's in the mind of the victim.

And so if someone comes in and tells an off-color joke at work, if no one is offended, it's not sexual harassment. But if someone is offended, then it's sexual harassment.

And if someone paints some graffiti on a garage, and that garage happens to belong to someone who says I have one of these phillias, one of these proclivities, one of these paraphilias, then they can bring Federal hate crime charges against the person with a can of spray paint. Or, Madam Speaker, here is a case in point. It could be, brings me back to Ellie Nessler.

Ellie Nessler is well-known in California. Her son was a victim of a sex crime. And when they brought the perpetrator into court, the alleged perpetrator, because he hadn't been convicted at that point, and the trial stopped right after Ellie's act, he smirked at the mother of the victim, who was there to protect her son who needed to be there for the case of this trial.

And after he smirked at her, she went out and got her pistol and shot the perpetrator in the courtroom. The justice that was brought to Ellie Nessler was manslaughter, and I believe that she served 6 months in the California penitentiary, and then she was paroled on good behavior.

This sets the scenario up where Californians were satisfied with the justice that Ellie Nessler received. But if there had been some that were connected at the national level, under this kind of legislation, then the Department of Justice could send in Federal prosecutors to prosecute Ellie Nessler for a hate crime that she committed against the perpetrator who was a pedophile. And that pedophile would have that special protected status.

And even in his death, the punishment could have been multiplied up to and including life in a Federal penitentiary because he had committed a politically—he committed an act—and

she had committed a politically incorrect act, for an extra penalty. Now I don't make excuses for Ellie Nessler's act, but I point out that Federal involvement in local crimes is unnecessary, and it's interventionary.

And it's unjust for us to believe that we can set penalties here on the floor of this Congress and lock people up for as long as life in prison for what we think was going on in their head, about what they might have thought was going on in the head of the victim.

And we are going to for the first time match up the psychoanalysis of the victim, the psychoanalysis of the perpetrator, put them together and come down with a decision not on the overt act, Madam Speaker, but on the very thought that might go on in the mind of the perpetrator.

It's wrong to take justice down this path. It's unjust to do so. It's unprecedented to do so. It pits Americans against Americans. It sets up sacred cows, people that can walk through this society, and they will be dealt with differently because there will be the threat that Federal law will come in and give them a special protected status, a shield that doesn't exist for people that don't fit within this list of special protected status.

I urge the Senate to oppose this legislation, to defeat it with every effort that they can; to filibuster this hate crimes, thought crimes, legislation; to amend it to the high heavens; to take us back to the rule of law where we punish the overt act, not the thought. Thought crimes legislation should not be part of American law, not in the land of the free and the home of the brave.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

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 Members (at the request of Mr. MICHAUD) to revise and extend their remarks and include extraneous material:)

Mr. MICHAUD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. SUTTON, for 5 minutes, today.

Mr. TONKO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SABLAN, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. TIAHRT, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, May 7.

Mr. JONES, for 5 minutes, May 7.

Mr. BURTON of Indiana, for 5 minutes, May 4, 5, 6 and 7.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

#### ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 586. An act to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes.

H.R. 1626. An act to make technical amendments to laws containing time periods affecting judicial proceedings.

#### ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, May 4, 2009, at 12:30 p.m., for morning-hour debate.

#### OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh "Joseph" Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Connolly, John Conyers Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan Jr. Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F.H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten E. Gillibrand\*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Guterrez, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson Jr., Sheila Jackson-Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. "Hank" Johnson Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Michael E. McMahon; Cathy McMorris Rodgers, Jerry McNerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J.J. Massa, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Scott Murphy, Tim Murphy, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Olver, Pete Olson, Solomon P. Ortiz, Frank Pallone Jr., Bill Pascrell Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S.P.

Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, Mike Quigley, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL-03), Mike Rogers (MI-08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sanchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Mark Schauer, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis\*, Mark E. Souder, Zachary T. Space, Jackie Speier, John M. Spratt Jr., Bart Stupak, Cliff Stearns, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Diane Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C.W. Bill Young, Don Young.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1538. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines—Money Market Mutual Funds [Docket ID OCC-2009-0002] (RIN: 1557-AD15) received April 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1539. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Community and Economic Development Entities, Community Development Projects, and Other Public Welfare Investments [Docket ID OCC-2009-0006] (RIN: 1557-AD12) received April 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1540. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: BE-15, Annual Survey of Foreign Direct Investment in the United States [Docket No.: 080219210-8245-01] (RIN: 0691-AA65) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1541. A letter from the Assistant Director for Policy, OFAC, Department of the Treas-

ury, transmitting the Department's final rule — Persons Contributing to the Conflict in Cote d'Ivoire Sanctions Regulations — received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

1542. A letter from the Director Office of Civil Rights, Department of Energy, transmitting the Department's annual report on the No FEAR Act for Fiscal Year 2008; to the Committee on Oversight and Government Reform.

1543. A letter from the Secretary, Department of Labor, transmitting the Department's annual report for fiscal year 2008, pursuant to Title II, Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act; to the Committee on Oversight and Government Reform.

1544. A letter from the Equal Employment Opportunity Director, Federal Credit System Insurance Corporation, transmitting the Corporation's annual report for fiscal year 2008 on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

1545. A letter from the Staff Director, Federal Election Commission, transmitting the Commission's annual report for fiscal year 2008; to the Committee on Oversight and Government Reform.

1546. A letter from the EEO Programs Director, Federal Reserve System, transmitting the System's fifth annual report, pursuant to Public Law 107-174, section 203(a); to the Committee on Oversight and Government Reform.

1547. A letter from the General Counsel, Government Accountability Office, transmitting the Office's annual report for fiscal year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1548. A letter from the Commissioner, International Boundary and Water Commission, transmitting the Commission's annual report for fiscal year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1549. A letter from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting the Administration's fourth annual report for fiscal year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1550. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's annual report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 for fiscal year 2008; to the Committee on Oversight and Government Reform.

1551. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting the Board's annual report for Fiscal Year 2008, in accordance with Section 5, Part 724 of the Code of Federal Regulations and Section 302 of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act; to the Committee on Oversight and Government Reform.

1552. A letter from the Executive Vice President and Chief Human Resources Officer, United States Postal Service, transmitting the Service's annual report for fiscal year 2008, pursuant to Public Law 107-174, section 203; to the Committee on Oversight and Government Reform.

1553. 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-2007-0145] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1554. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Firework Events; Great Lake Annual Firework Events [Docket No.: USCG-2008-0219] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1555. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Pasquotank River, Elizabeth City, NC [Docket No.: USCG-2008-0414] (RIN: 1625-AA08) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1556. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone: HOVENSA Refinery, St. Croix, United States Virgin Islands [Docket No.: USCG-2008-0284, Formerly COTP San Juan 05-007] (RIN: 1625-AA87) received, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1557. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area and Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2008-1052] (RIN: 1625-AA11) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1558. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tinian, Commonwealth of the Northern Mariana Islands [COTP Guam 07-005] (RIN: 1625-AA87) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1559. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Escorted Vessels in Captain of the Port Zone Jacksonville, Florida [Docket No.: USCG-2008-0203] (RIN: 1625-AA87) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1560. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Big Bay July 4th Fireworks Show; San Diego Bay, San Diego, CA [Docket No.: USCG-2008-0164] (RIN: 1625-AA00), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1561. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Kingsmill Resort Fireworks Display, James River, Williamsburg, VA. [USCG-2008-0238] (RIN: 1625-AA00) received April, 16 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1562. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Bay Yacht Club 4th of July Display; Mission Bay, San Diego, CA. [Docket No.: USCG-2008-0269] (RIN: 1625-AA00) received April 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1563. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-DF Airplanes [Docket No. FAA-2008-1360; Directorate Identifier 2008-NM-075-AD; Amendment 39-15791; AD 2009-02-01] (RIN: 2120-AA64)

March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## 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. BARTON of Texas (for himself and Mr. STEARNS):

H.R. 2183. A bill to improve public participation and overall decision-making at the Federal Communications Commission, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MALONEY (for herself, Ms. SCHWARTZ, Mr. FATTAH, Mr. HINCHEY, and Ms. HIRONO):

H.R. 2184. A bill to assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year olds for at least 1 year preceding kindergarten; to the Committee on Education and Labor.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. BRADY of Pennsylvania, Mr. EHLERS, Mr. ADERHOLT, Mr. WAMP, Mr. LATHAM, and Mr. DANIEL E. LUNGREN of California):

H.R. 2185. A bill to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the Majority Leader of the Senate, the Minority Leaders of the House of Representatives and Senate, and the chairs and ranking minority members of the committees of Congress with jurisdiction over the Office of the Architect of the Capitol, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, 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. FALCOMA VAEGA:

H.R. 2186. A bill to extend the supplemental security income program to American Samoa; to the Committee on Ways and Means.

By Mr. CHANDLER (for himself, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. LOEBSACK, Mr. TIERNEY, Mr. COURTNEY, Mr. HARE, Mr. HOLT, Mr. ANDREWS, Mr. GRIJALVA, Mr. PIERLUISI, Ms. WOOLSEY, Mr. WU, Mr. TONKO, Mr. POLIS of Colorado, Ms. HIRONO, and Mr. SABLAN):

H.R. 2187. A bill to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, and for other purposes; to the Committee on Education and Labor.

By Mr. KRATOVIL (for himself, Mr. KIND, Mr. BROWN of South Carolina, and Mr. WITTMAN):

H.R. 2188. A bill to authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, and for other purposes; to the Committee on Natural Resources.

By Mr. WILSON of South Carolina (for himself and Mr. ELLSWORTH):

H.R. 2189. A bill to prevent abuse of Government charge cards; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently deter-

mined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. BERMAN, Mr. CARNAHAN, Mr. ELLISON, Ms. DELAURO, Mr. GRIJALVA, Mr. FARR, Mr. HARE, Ms. HIRONO, Ms. LEE of California, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. PALLONE, Mr. SESTAK, Ms. WOOLSEY, Ms. WATSON, Ms. NORTON, Mr. BLUMENAUER, and Mr. PRICE of North Carolina):

H.R. 2190. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOREN (for himself, Mr. COLE, Mr. SULLIVAN, Ms. FALLIN, and Mr. LUCAS):

H.R. 2191. A bill to designate the facility of the United States Postal Service located at 34 A Street NE, in Miami, Oklahoma, as the "Steve Owens Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA (for himself, Mr. RAHALL, Mr. DINGELL, Mr. DICKS, Mr. GEORGE MILLER of California, Mr. PALLONE, Mrs. CAPPS, Mr. HOLT, Mr. THOMPSON of California, and Ms. BORDALLO):

H.R. 2192. A bill to establish an integrated Federal program to protect, restore, and conserve the Nation's natural resources in response to the threats of climate change and ocean acidification; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Science and Technology, 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. CHAFFETZ:

H.R. 2193. A bill to prohibit the Secretary of Defense from implementing any policy to prevent or place undue restriction on the sale of intact spent military small arms ammunition casings to domestic manufacturers of small arms ammunition that are approved under trade security controls; to the Committee on Armed Services.

By Mr. BERMAN (for himself, Ms. ROSLEHTINEN, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. SHERMAN, Mr. ROYCE, Mr. ANDREWS, and Mr. KIRK):

H.R. 2194. A bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, Oversight and Government Reform, and Ways and Means, 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. THOMPSON of Mississippi (for himself, Mr. KING of New York, Ms. CLARKE, Mr. DANIEL E. LUNGREN of California, Ms. JACKSON-LEE of Texas, Ms. LORETTA SANCHEZ of California, Ms. HARMAN, Mr. CUELLAR, Mr. CARNEY, Ms. ZOE LOFGREN of California, Mr. PASCRELL, Mr. LUJÁN, and Mr. LANGEVIN):

H.R. 2195. A bill to amend the Federal Power Act to provide additional authorities to adequately protect the critical electric infrastructure against cyber attack, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, 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. DELAHUNT (for himself, Mr. GOODLATTE, Mr. NADLER of New York, Mr. ISSA, Ms. JACKSON-LEE of Texas, Mrs. BONO MACK, Mr. SENSENBRENNER, Ms. WASSERMAN SCHULTZ, Mr. COBLE, Mr. MAFFEI, Mr. WEINER, Mr. RANGEL, Mr. WEXLER, Ms. WATERS, Mr. COHEN, Mrs. MALONEY, Mr. GEORGE MILLER of California, and Ms. DELAURO):

H.R. 2196. A bill to amend title 17, United States Code, to extend protection to fashion design, and for other purposes; to the Committee on the Judiciary.

By Ms. BEAN (for herself and Ms. CORRINE BROWN of Florida):

H.R. 2197. A bill to assist the Administrator of the Small Business Administration to determine whether a franchisee is affiliated with a franchisor in the temporary employee services industry, and for other purposes; to the Committee on Small Business.

By Ms. BEAN (for herself and Mr. HOEKSTRA):

H.R. 2198. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain systems installed in nonresidential real property or residential rental property; to the Committee on Ways and Means.

By Mr. BISHOP of New York (for himself, Ms. WOOLSEY, Mr. HARE, Mr. KUCINICH, and Mr. SABLAN):

H.R. 2199. A bill to amend the Occupational Safety and Health Act of 1970 to authorize the Secretary of Labor to prevent employee exposure to imminent dangers; to the Committee on Education and Labor.

By Ms. JACKSON-LEE of Texas (for herself, Mr. DENT, and Mr. THOMPSON of Mississippi):

H.R. 2200. A bill to authorize the Transportation Security Administration's programs relating to the provision of transportation security, and for other purposes; to the Committee on Homeland Security.

By Mr. BRALEY of Iowa (for himself, Mr. SMITH of Nebraska, Mr. BARROW, Mr. TEAGUE, Mr. BOUCHER, and Mr. KIND):

H.R. 2201. A bill to amend part B of title XVIII of the Social Security Act to provide a floor of 1.0 for the practice expense and for the work expense geographic practice cost indices (GPCI) under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. CARDOZA (for himself, Mr. SALAZAR, and Mr. SHULER):

H.R. 2202. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage of firearms; to the Committee on Ways and Means.

By Mr. CONNOLLY of Virginia (for himself and Mr. THOMPSON of Pennsylvania):

H.R. 2203. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services; to the Committee on Ways and Means.

By Mr. CUELLAR (for himself and Mr. AKIN):

H.R. 2204. A bill to amend title XVIII of the Social Security Act to provide payment under part A of the Medicare Program on a reasonable cost basis for anesthesia services furnished by an anesthesiologist in certain rural hospitals in the same manner as payments are provided for anesthesia services furnished by anesthesiologist assistants and certified registered nurse anesthetists in

such hospitals; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Mr. PLATTS, Mr. MCHUGH, Mr. CASTLE, and Mr. EHLERS):

H.R. 2205. A bill to expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Armed Services, 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. ETHERIDGE (for himself, Mr. DICKS, Mr. BUTTERFIELD, Mr. RODRIGUEZ, Mr. SKELTON, Mr. TEAGUE, Ms. MARKEY of Colorado, Mr. ORTIZ, Mr. ROSS, Ms. BORDALLO, Mr. CARNEY, Mr. JONES, Mr. HEINRICH, Mr. HARE, Mr. SHIMKUS, Mr. CLEAVER, Mr. MCINTYRE, Mr. PIERLUISI, Mr. PERRIELLO, Mr. FILLNER, Mrs. HALVORSON, and Mr. TONKO):

H.R. 2206. A bill to amend the Safe Drinking Water Act to reauthorize the technical assistance to small public water systems, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FORBES:

H.R. 2207. A bill to establish a Commission to examine the long-term global challenges facing the United States and develop legislative and administrative proposals to improve interagency cooperation; to the Committee on Oversight and Government Reform, 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. FRANK of Massachusetts (for himself and Ms. TSONGAS):

H.R. 2208. A bill to amend the Internal Revenue Code of 1986 to exclude from income and employment taxes real property tax abatements for seniors and disabled individuals in exchange for services; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Mr. HOLT, Mr. BURGESS, Ms. LEE of California, Mr. WEXLER, Mr. PETERSON, Mrs. CHRISTENSEN, Mr. GRIJALVA, Mr. MORAN of Virginia, Ms. MCCOLLUM, Mr. ELLSWORTH, Ms. GRANGER, Mr. MEEK of Florida, Mr. FATTAH, and Ms. WASSERMAN SCHULTZ):

H.R. 2209. A bill to amend titles XVI, XVIII, XIX, and XXI of the Social Security Act to remove limitations on Medicaid, Medicare, SSI, and SCHIP benefits for persons in custody pending disposition of charges; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. HELLER (for himself, Ms. BERKLEY, and Ms. TITUS):

H.R. 2210. A bill to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, and for other purposes; to the Committee on Natural Resources.

By Mr. INSLEE:

H.R. 2211. A bill to facilitate planning, construction, and operation of a secure national clean energy grid; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself, Mr. ISRAEL, Mr. WEINER, Mr. DINGELL, Mr. KLEIN of Florida, Mrs. HALVORSON, and Mrs. TAUSCHER):

H.R. 2212. A bill to improve the loan guarantee program of the Department of Energy under title XVII of the Energy Policy Act of 2005, to provide additional options for deploying energy technologies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, 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. KIND (for himself and Mr. GERLACH):

H.R. 2213. A bill to reauthorize the Neotropical Migratory Bird Conservation Act; to the Committee on Natural Resources.

By Mrs. MALONEY (for herself and Ms. BALDWIN):

H.R. 2214. A bill to empower women in Afghanistan, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MCCOTTER:

H.R. 2215. A bill to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the "John J. Shiven Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MILLER of Florida (for himself and Mr. REYES):

H.R. 2216. A bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed money recovered at airport security checkpoints to United Service Organizations, Incorporated, and for other purposes; to the Committee on Homeland Security.

By Mr. PATRICK J. MURPHY of Pennsylvania (for himself and Mr. PETRI):

H.R. 2217. A bill to amend the Truth in Lending Act to require creditors to report the terms and conditions of all business, marketing, promotional agreements and college affinity card agreements with institutions of higher education and alumni organizations, and for other purposes; to the Committee on Financial Services.

By Mr. PAUL (for himself, Mr. BARTLETT, Mr. BURTON of Indiana, Mrs. BLACKBURN, Mr. MCCOTTER, and Mr. HENSARLING):

H.R. 2218. A bill to prohibit the use of Federal funds for any universal or mandatory mental health screening program; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, 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. PLATTS (for himself and Mr. VAN HOLLEN):

H.R. 2219. A bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act; to the Committee on Oversight and Government Reform.

By Mr. ROSS (for himself and Mr. SIMPSON):

H.R. 2220. A bill to amend titles V and XIX of the Social Security Act to improve essential oral health care for lower-income indi-

viduals under the Maternal and Child Health Program and the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. RUSH (for himself, Mr. STEARNS, Mr. BARTON of Texas, Ms. SCHAKOWSKY, and Mr. RADANOVICH):

H.R. 2221. A bill to protect consumers by requiring reasonable security policies and procedures to protect computerized data containing personal information, and to provide for nationwide notice in the event of a security breach; to the Committee on Energy and Commerce.

By Ms. SCHWARTZ:

H.R. 2222. A bill to direct the Secretary of Commerce to make grants for programs promoting community greening initiatives, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, 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. SESTAK (for himself, Mr. EHLERS, Ms. KILPATRICK of Michigan, Mr. COURTNEY, Mrs. TAUSCHER, and Mr. UPTON):

H.R. 2223. A bill to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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. TERRY (for himself and Mr. CAMPBELL):

H.R. 2224. A bill to amend section 7(a) of the Small Business Act to provide assistance to motor vehicle dealers, and for other purposes; to the Committee on Small Business.

By Mr. BOREN (for himself, Mr. KILDEE, Mr. COLE, Mr. WITTMAN, Mr. SHULER, Ms. BORDALLO, Mr. KIND, Ms. HIRONO, Mr. GRIJALVA, Mr. PETERSON, Ms. HERSETH SANDLIN, Mr. STARK, Mrs. MYRICK, Ms. MCCOLLUM, Mr. BACA, Mr. FALEOMAVAEGA, Mr. MCDERMOTT, Ms. FALLIN, Mr. KENNEDY, Ms. MATSUI, Mr. WALZ, Mr. HONDA, Mr. PALLONE, and Ms. KILPATRICK of Michigan):

H.J. Res. 46. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Natural Resources.

By Mrs. EMERSON (for herself, Mr. MARSHALL, Mr. BROWN of South Carolina, Mr. GORDON of Tennessee, Mr. POSEY, Mr. GINGREY of Georgia, Mr. SKELTON, and Mr. WILSON of South Carolina):

H.J. Res. 47. A joint resolution proposing an amendment to the Constitution of the United States giving Congress power to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. PAUL (for himself, Mr. BARTLETT, and Mr. YOUNG of Alaska):

H.J. Res. 48. A joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens; to the Committee on the Judiciary.

By Mrs. BONO MACK (for herself and Mr. KENNEDY):

H. Con. Res. 115. Concurrent resolution supporting the awareness of National Alcohol and Drug Addiction Recovery Month Resolution; to the Committee on Energy and Commerce.

By Mr. CONAWAY (for himself, Mr. FRANKS of Arizona, Mr. MCHENRY, Mr. MARCHANT, Mr. BARRETT of South Carolina, Mr. CASSIDY, Mr. CARTER, Mr. WESTMORELAND, Mr. POE of Texas, Mr. LAMBORN, Mr. CULBERSON, Mr. NEUGEBAUER, Mr. MCCAUL, Mr. THORNBERRY, Mr. BARTON of Texas, Mr. BOUSTANY, Mr. FLEMING, Mr. SCALISE, Mr. MORAN of Kansas, Mr. MILLER of Florida, Mr. PUTNAM, Mr. WILSON of South Carolina, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. FORBES, Mr. FLAKE, Mr. BISHOP of Utah, and Mr. KLINE of Minnesota):

H. Con. Res. 116. Concurrent resolution expressing the sense of Congress for the immediate withdrawal of the Department of Labor's notice of proposed rulemaking seeking to rescind the Form LM-2; to the Committee on Education and Labor.

By Mr. LARSON of Connecticut:

H. Res. 381. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to, considered and agreed to.

By Mr. BISHOP of Utah (for himself, Mr. BOEHNER, Mr. GEORGE MILLER of California, Mr. MCKEON, Mr. CASTLE, Mr. PETRI, Mr. HOEKSTRA, Mr. EHLERS, Mr. KLINE of Minnesota, Mr. CASSIDY, Mr. THOMPSON of Pennsylvania, Mr. POLIS of Colorado, Mr. BOUSTANY, Mr. CAO, Mr. CHAFFETZ, Mr. MCHENRY, Mr. WOLF, Mrs. BACHMANN, Mr. COFFMAN of Colorado, Ms. FOX, Mr. OLSON, Mr. LAMBORN, Mr. HOLT, Mr. KIND, Ms. MARKEY of Colorado, Ms. NORTON, Ms. BERKLEY, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. PERRIELLO):

H. Res. 382. A resolution supporting the goals and ideals of National Charter Schools Week, to be held May 3 through May 9, 2009; to the Committee on Education and Labor.

By Ms. LEE of California (for herself, Mr. WEXLER, and Mr. CONYERS):

H. Res. 383. A resolution establishing a select committee to review national security laws, policies, and practices; to the Committee on Rules.

By Mr. BILIRAKIS:

H. Res. 384. A resolution recognizing the importance of increased awareness of sleep apnea, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BISHOP of Georgia (for himself, Mr. ARCURI, Mr. BACA, Mr. BARROW, Mr. BERRY, Mr. BOREN, Mr. BOSWELL, Mr. BOYD, Mr. BRIGHT, Mr. CARDOZA, Mr. CHILDERS, Mr. COOPER, Mr. COSTA, Mr. CUELLAR, Mr. DAVIS of Tennessee, Mr. HILL, Mr. HOLDEN, Mr. MCINTYRE, Mr. MICHAUD, Mr. MINNICK, Mr. MOORE of Kansas, Mr. NYE, Mr. PETERSON, Mr. POMEROY, Mr. SALAZAR, Mr. SCOTT of Georgia, Mr. SHULER, Mr. TANNER, Mr. WILSON of Ohio, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. FUDGE, Mr. PRICE of Georgia, Mr. BUTTERFIELD, Mr. BISHOP of New York, Mr. ENGEL, Mr. MARSHALL, Mr. STUPAK, Mr. SPRATT, Ms. DELAURO, Mrs. EMERSON, Mr. PALLONE, Ms. BALDWIN, Ms. BERKLEY, Mr. HINCHEY, Mr. FILNER, Mr. LEWIS of Georgia, Ms. KILPATRICK of Michigan, Ms. MOORE of Wisconsin, Mr. CLEAVER, Mr. RUSH, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Ms. LEE of California, Ms. BORDALLO,

Ms. SHEA-PORTER, Mr. DOYLE, Mr. THOMPSON of California, Mr. JOHNSON of Georgia, Mr. WAXMAN, Mr. KILDEE, Mr. MCGOVERN, Ms. EDWARDS of Maryland, Mr. SHERMAN, Mrs. CHRISTENSEN, Mr. VAN HOLLEN, Ms. LINDA T. SANCHEZ of California, and Mr. GRIJALVA):

H. Res. 385. A resolution celebrating the life of Millard Fuller, a life which provides all the evidence one needs to believe in the power of the human spirit to inspire hope and lift the burdens of poverty and despair from the shoulders of one's fellow man; to the Committee on Financial Services.

By Mr. BROUN of Georgia (for himself, Mr. KINGSTON, Mr. LINDER, Mr. SCOTT of Georgia, Mr. DEAL of Georgia, Mr. PRICE of Georgia, Mr. GINGREY of Georgia, Mr. BISHOP of Georgia, Mr. WESTMORELAND, Mr. LEWIS of Georgia, and Mr. JOHNSON of Georgia):

H. Res. 386. A resolution commending the University of Georgia Gymnastics Team for winning the 2009 NCAA National Championship; to the Committee on Education and Labor.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. ROONEY, Mr. MACK, Mr. YOUNG of Florida, Mr. EHLERS, Mr. INGLIS, Mr. BUCHANAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BISHOP of Georgia, Mr. WILSON of South Carolina, Mrs. CHRISTENSEN, Mr. CUELLAR, Mr. ROGERS of Alabama, Mr. ETHERIDGE, Mr. BROWN of South Carolina, Mr. JONES, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Ms. ROS-LEHTINEN, Mr. HASTINGS of Florida, Mr. FALEOMAVAEGA, and Ms. KOSMAS):

H. Res. 387. A resolution supporting the goals and ideals of National Hurricane Preparedness Week; to the Committee on Science and Technology.

By Mr. FORTENBERRY (for himself, Mr. MCINTYRE, Mr. REHBERG, Mr. ALEXANDER, Mr. SHULER, Mr. LIPINSKI, Mr. BRALY of Iowa, Mr. KILDEE, Mr. SHIMKUS, Mr. COOPER, Mr. WU, Mr. FLAKE, Mr. INGLIS, Mr. HARPER, Mr. WOLF, Mr. RYAN of Wisconsin, Mr. ADERHOLT, Mr. BILBRAY, Mr. TIERNEY, Mr. WALZ, Mr. DELAHUNT, Mr. HENSARLING, Mr. PENCE, Mr. GOHMERT, Mr. WESTMORELAND, and Mr. TERRY):

H. Res. 388. A resolution celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day; to the Committee on Oversight and Government Reform.

By Mrs. HALVORSON:

H. Res. 389. A resolution encouraging energy efficient and environment-friendly building and facility certification programs to incorporate the use of mechanical insulation as part of their standards and ratings system; to the Committee on Energy and Commerce.

By Mr. LUETKEMEYER (for himself, Mr. AKIN, Mr. BLUNT, Mr. CARNAHAN, Mr. CLAY, Mr. CLEAVER, Mrs. EMERSON, Mr. GRAVES, and Mr. SKELTON):

H. Res. 390. A resolution recognizing the Winston Churchill Memorial and Library in Fulton, Missouri, as "America's National Churchill Museum", and commending its efforts to recognize the importance of the historic legacy of Sir Winston Churchill and to educate the people of the United States about his legacy of character, leadership, and citizenship; to the Committee on Education and Labor.

By Mr. MCDERMOTT (for himself and Mr. LINDER):

H. Res. 391. A resolution recognizing May as "National Foster Care Month" and ac-

knowledging that the House of Representatives should continue to work to improve the Nation's foster care system; to the Committee on Ways and Means.

By Mr. RUPPERSBERGER:

H. Res. 392. A resolution congratulating and commending Free Comic Book Day as an enjoyable and creative approach to promoting literacy and celebrating a unique American art form; to the Committee on Oversight and Government Reform.

By Mr. TIAHRT (for himself, Mr. SESSIONS, Mr. FLEMING, Mrs. LUMMIS, and Mr. MORAN of Kansas):

H. Res. 393. A resolution expressing the sense of the House of Representatives that the Obama administration and Congress should end the assault on America's energy independence by leaving in place domestic energy tax incentives; to the Committee on Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. HUNTER introduced a bill (H.R. 2225) for the relief of Roberto Luis Dunoyer Mejia, Consuelo Cardona Molina, Camilo Dunoyer Cardona, and Pablo Dunoyer Cardona; which was referred 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. 22: Ms. WATSON, Ms. FUDGE, Ms. KILROY, and Mr. INGLIS.  
 H.R. 23: Mrs. CHRISTENSEN, Mr. PALLONE, and Mr. MORAN of Virginia.  
 H.R. 24: Mr. ALEXANDER, Mr. BURTON of Indiana, Mr. SPRATT, Ms. GINNY BROWN-WAITE of Florida, Mr. BACHUS, Mr. CRENSHAW, Mr. GERLACH, Mr. ROGERS of Kentucky, Ms. BEAN, Mr. STUPAK, Mr. GOODLATTE, Mr. RYAN of Ohio, Mr. LANCE, Mr. FALEOMAVAEGA, Mr. KILDEE, and Mr. CARNAHAN.  
 H.R. 43: Mr. ROGERS of Alabama, Mr. MCINTYRE, Mr. RAHALL, Mr. PETERSON, Mr. NADLER of New York, Mr. DOYLE, Ms. ROYBAL-ALLARD, and Mr. TERRY.  
 H.R. 52: Mr. ROGERS of Kentucky.  
 H.R. 55: Mr. MCMAHON.  
 H.R. 149: Mr. FRANK of Massachusetts.  
 H.R. 179: Mr. QUIGLEY and Mr. TONKO.  
 H.R. 197: Mr. BARROW, Mr. LUETKEMEYER, and Mr. KISSELL.  
 H.R. 205: Mr. SMITH of Nebraska.  
 H.R. 211: Mr. GORDON of Tennessee.  
 H.R. 235: Mr. BERRY, Mr. MCMAHON, and Mr. JACKSON of Illinois.  
 H.R. 237: Mr. BISHOP of New York.  
 H.R. 240: Mr. TURNER and Mr. STEARNS.  
 H.R. 272: Mr. HOEKSTRA.  
 H.R. 275: Mr. BISHOP of Utah, Mr. ARCURI, Mr. MICHAUD, Mr. LATOURETTE, Mr. BROUN of Georgia, Mr. PALLONE, Mr. ALEXANDER, Ms. HERSETH SANDLIN, Mr. BISHOP of New York, Mr. DUNCAN, Mr. SESTAK, Mr. WESTMORELAND, Mr. MARCHANT, Mr. MANZULLO, and Mr. TOWNS.  
 H.R. 391: Mr. HASTINGS of Washington and Mr. BUYER.  
 H.R. 392: Mr. GOODLATTE.  
 H.R. 422: Mr. KIND, Mr. LEVIN, Mr. DAVIS of Alabama, and Mr. HONDA.  
 H.R. 442: Mr. LUETKEMEYER, Mr. GUTHRIE, Mr. CARNEY, Mr. KISSELL, and Mr. BOREN.  
 H.R. 503: Ms. MCCOLLUM.  
 H.R. 510: Mr. PAYNE and Mr. MCGOVERN.  
 H.R. 520: Mr. LARSEN of Washington.  
 H.R. 558: Mr. GRIJALVA.  
 H.R. 593: Mr. SPACE and Ms. DEGETTE.

- H.R. 662: Mr. ALTMIRE and Ms. KOSMAS.  
H.R. 673: Mr. SMITH of New Jersey.  
H.R. 678: Mr. SCOTT of Virginia.  
H.R. 690: Mr. ETHERIDGE.  
H.R. 699: Mr. HODES.  
H.R. 702: Mr. HIMES.  
H.R. 704: Mrs. CAPITO.  
H.R. 707: Mrs. BIGGERT, Mr. BLUNT, and Mr. KLINE of Minnesota.  
H.R. 745: Mr. SMITH of New Jersey and Mr. PETERSON.  
H.R. 764: Mr. MILLER of Florida.  
H.R. 795: Mr. PETERSON.  
H.R. 805: Mr. BUTTERFIELD and Ms. BORDALLO.  
H.R. 836: Mr. BOSWELL, Mr. SMITH of New Jersey, Mr. DUNCAN, Mr. SKELTON, Mr. OBERSTAR, Mr. LUCAS, Ms. JENKINS, Mr. ARCURI, Mr. MCCOTTER, Mr. WHITFIELD, Mr. HALL of Texas, Mr. JOHNSON of Illinois, and Mr. OLSON.  
H.R. 840: Mr. GRAYSON.  
H.R. 848: Mr. VAN HOLLEN.  
H.R. 874: Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. POMEROY, and Ms. LINDA T. SÁNCHEZ of California.  
H.R. 893: Mrs. MALONEY.  
H.R. 904: Mr. LANGEVIN.  
H.R. 919: Mr. PETERSON.  
H.R. 936: Mr. GRAYSON, Mr. GONZALEZ, and Mr. PASCRELL.  
H.R. 959: Mr. CASTLE.  
H.R. 977: Mr. HOLDEN, Mr. BOSWELL, Mr. CARDOZA, Ms. HERSETH SANDLIN, Mr. WALZ, Mr. KAGEN, Mr. SCHRADER, Mr. MASSA, Mr. MARKEY of Colorado, Mr. SCHAUER, Mr. KISSELL, Mr. POMEROY, and Mr. WELCH.  
H.R. 980: Mr. WU.  
H.R. 981: Mr. FRANK of Massachusetts.  
H.R. 1016: Ms. SCHWARTZ, Mr. POLIS of Colorado, Mrs. HALVORSON, and Mr. LATOURETTE.  
H.R. 1017: Mr. PETERSON and Mr. SMITH of Washington.  
H.R. 1021: Mr. POE of Texas, Mr. BARTLETT, and Mr. CULBERSON.  
H.R. 1024: Mr. ISRAEL.  
H.R. 1030: Mr. PETERSON and Mrs. DAHLKEMPER.  
H.R. 1066: Mr. MCGOVERN, Ms. PINGREE of Maine, Mr. MILLER of North Carolina, Ms. JACKSON-LEE of Texas, Ms. SHEA-PORTER, and Mr. BLUMENAUER.  
H.R. 1067: Mr. DAVIS of Tennessee.  
H.R. 1074: Mr. LUETKEMEYER, Mr. KAGEN, Mr. KISSELL, and Mrs. BLACKBURN.  
H.R. 1092: Mr. BRALEY of Iowa and Ms. LEE of California.  
H.R. 1101: Mr. PETERSON.  
H.R. 1126: Mr. TURNER.  
H.R. 1132: Ms. MARKEY of Colorado, Mr. HERGER, Mr. SNYDER, Mr. LIPINSKI, and Mr. GUTHRIE.  
H.R. 1137: Mr. DEFazio.  
H.R. 1142: Ms. ZOE LOFGREN of California.  
H.R. 1150: Mr. McMAHON.  
H.R. 1179: Mrs. NAPOLITANO and Mr. GOODLATTE.  
H.R. 1180: Mrs. EMERSON, Mr. WITTMAN, and Mr. SAM JOHNSON of Texas.  
H.R. 1190: Mr. BISHOP of Georgia and Mr. BARROW.  
H.R. 1193: Ms. ROS-LEHTINEN and Mr. LATOURETTE.  
H.R. 1205: Mrs. MYRICK, Mrs. MCCARTHY of New York, Mr. SABLAN, Mr. POSEY, Mr. PETERSON, Ms. FUDGE, Mr. GERLACH, Mr. WELCH, and Mr. DRIEHAUS.  
H.R. 1207: Mr. BUYER, Mr. NEUGEBAUER, and Mr. MCHENRY.  
H.R. 1210: Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, and Mr. PETERSON.  
H.R. 1215: Mr. PASTOR of Arizona and Ms. MCCOLLUM.  
H.R. 1250: Mr. CANTOR.  
H.R. 1268: Mr. GINGREY of Georgia.  
H.R. 1277: Mr. MACK, Mr. Austria, Mr. BARTON of Texas, Mr. NEUGEBAUER, Mr. Chaffetz, Mr. CAMPBELL, Mr. SMITH of Texas, Mr. LUETKEMEYER, and Mr. BACHUS.  
H.R. 1313: Mr. UPTON.  
H.R. 1330: Mr. BOCCIERI and Mr. HINCHEY.  
H.R. 1349: Mr. SHUSTER.  
H.R. 1352: Ms. HERSETH SANDLIN and Mr. BARRETT of South Carolina.  
H.R. 1362: Mr. LATHAM.  
H.R. 1392: Mr. BUYER.  
H.R. 1396: Mr. POE of Texas.  
H.R. 1398: Mr. KAGEN, Mr. PETERSON, Ms. WASSERMAN SCHULTZ, Mr. WEXLER, and Mr. TIBERI.  
H.R. 1402: Mr. BARROW, Mr. SESTAK, Ms. SUTTON, and Mr. PETERSON.  
H.R. 1412: Mr. NADLER of New York.  
H.R. 1422: Mr. LANCE.  
H.R. 1428: Mr. BRALEY of Iowa and Mr. DAVIS of Kentucky.  
H.R. 1454: Mr. LINCOLN DIAZ-BALART of Florida, Mr. KRATOVIL, and Mr. DICKS.  
H.R. 1479: Mr. JACKSON of Illinois.  
H.R. 1521: Mr. SCALISE and Mr. KING of New York.  
H.R. 1528: Mr. LEWIS of Georgia.  
H.R. 1530: Mr. LEWIS of Georgia.  
H.R. 1531: Mr. LEWIS of Georgia.  
H.R. 1545: Mr. WITTMAN.  
H.R. 1547: Mr. PRICE of North Carolina, Mr. KING of New York, Mr. THOMPSON of Pennsylvania, and Mr. MILLER of Florida.  
H.R. 1558: Mr. ARCURI, Mr. DONNELLY of Indiana, Mr. SARBANES, Mr. CONYERS, Mr. PIERLUISI, Mr. WELCH, Mr. FARR, Mr. CONNOLLY of Virginia, and Mr. GRAYSON.  
H.R. 1570: Mr. SHERMAN and Mr. BRALEY of Iowa.  
H.R. 1588: Mr. GARY G. MILLER of California and Ms. FOXX.  
H.R. 1633: Mr. GRIJALVA, Mrs. LOWEY, and Mr. CARNAHAN.  
H.R. 1636: Mr. McMAHON.  
H.R. 1692: Mr. PLATTS and Mrs. LUMMIS.  
H.R. 1708: Ms. ZOE LOFGREN of California, Ms. VELÁZQUEZ, and Mr. LATHAM.  
H.R. 1718: Mr. HASTINGS of Florida and Ms. BORDALLO.  
H.R. 1721: Mr. LEWIS of Georgia.  
H.R. 1727: Mr. LEWIS of California.  
H.R. 1730: Ms. ESHOO.  
H.R. 1733: Mr. SPACE and Mr. MCCOTTER.  
H.R. 1737: Ms. HERSETH SANDLIN.  
H.R. 1740: Mr. PLATTS, Mr. SESSIONS, Mr. POMEROY, Mr. BISHOP of New York, and Mr. ROGERS of Alabama.  
H.R. 1748: Mr. SHERMAN.  
H.R. 1751: Ms. CASTOR of Florida, Ms. MOORE of Wisconsin, Mr. QUIGLEY, and Ms. EDDIE BERNICE JOHNSON of Texas.  
H.R. 1774: Ms. ESHOO.  
H.R. 1802: Ms. JENKINS and Mr. MILLER of Florida.  
H.R. 1826: Ms. LEE of California.  
H.R. 1829: Mr. RAHALL.  
H.R. 1831: Mr. NYE, Mr. COBLE, and Mr. SCOTT of Virginia.  
H.R. 1835: Mr. McCAUL.  
H.R. 1836: Ms. KOSMAS.  
H.R. 1839: Mr. GRAVES and Mr. SCHOCK.  
H.R. 1845: Mr. BUCHANAN.  
H.R. 1868: Mr. BROWN of South Carolina, Mr. DAVIS of Kentucky, Mr. ALEXANDER, Mr. BURTON of Indiana, Mr. CHAFFETZ, and Mr. KLINE of Minnesota.  
H.R. 1869: Mr. HARE, Mr. CARNAHAN, Mr. SERRANO, Mr. KENNEDY, Mr. HINCHEY, Mr. LYNCH, and Mr. KIND.  
H.R. 1870: Mr. HASTINGS of Florida and Mr. MORAN of Virginia.  
H.R. 1874: Mr. BRADY of Pennsylvania.  
H.R. 1881: Mrs. MCCARTHY of New York.  
H.R. 1939: Mr. BILBRAY.  
H.R. 1946: Ms. DEGETTE.  
H.R. 1958: Mr. SABLAN, Mr. FARR, Mr. FALEOMAVAEGA, Mr. YOUNG of Alaska, and Mr. BLUMENAUER.  
H.R. 1964: Ms. JACKSON-LEE of Texas.  
H.R. 1970: Mr. KAGEN, Mr. PAUL, Mr. BRALEY of Iowa, and Mr. LATHAM.  
H.R. 1974: Mr. ROSS, Mr. ALTMIRE, Mr. ROGERS of Alabama, Mr. SCHAUER, Mr. WILSON of Ohio, Mr. CONNOLLY of Virginia, Mr. BACA, Mr. MANZULLO, and Mr. MARIO DIAZ-BALART of Florida.  
H.R. 1977: Mr. HASTINGS of Florida.  
H.R. 1981: Mr. BURTON of Indiana, Mrs. BACHMANN, Mr. CHAFFETZ, Mr. LATTA, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. MARCHANT, Mr. SMITH of Texas, and Mr. GINGREY of Georgia.  
H.R. 2006: Mr. SERRANO and Ms. BERKLEY.  
H.R. 2009: Mr. DUNCAN, Mr. CONAWAY, Mr. BILBRAY, Mr. GALLEGLY, Mr. GOHMERT, Mr. LATHAM, and Mr. SAM JOHNSON of Texas.  
H.R. 2026: Mr. HENSARLING.  
H.R. 2054: Mr. MCNERNEY, Mr. QUIGLEY, Mr. SHULER, and Mr. BRADY of Pennsylvania.  
H.R. 2057: Mr. ROGERS of Alabama, Mr. SHULER, Mr. WELCH, Mr. BOUCHER, and Mr. GERLACH.  
H.R. 2076: Mr. FARR and Mr. PASTOR of Arizona.  
H.R. 2090: Mr. MAFFEI, Mr. NADLER of New York, Ms. CLARKE, Mr. MEEKS of New York, Mr. CROWLEY, Ms. SLAUGHTER, Mr. RANGEL, Mr. WEINER, and Ms. VELÁZQUEZ.  
H.R. 2095: Ms. NORTON and Mr. GRIJALVA.  
H.R. 2101: Mr. AKIN, Mr. WITTMAN, Mr. TAYLOR, Mr. BARTLETT, and Mr. COURTNEY.  
H.R. 2103: Ms. WASSERMAN SCHULTZ, Mr. OLVER, and Mr. BRADY of Pennsylvania.  
H.R. 2110: Mr. JONES and Mr. PALLONE.  
H.R. 2124: Mr. PLATTS.  
H.R. 2132: Ms. BERKLEY.  
H.R. 2137: Mr. MASSA, Mr. HASTINGS of Florida, Mr. FARR, Mr. GRIJALVA, Ms. NORTON, and Ms. JACKSON-LEE of Texas.  
H.R. 2141: Mr. COSTA and Mr. STARK.  
H.R. 2144: Mr. ISSA and Mr. CAMP.  
H.R. 2147: Mr. INSLEE and Mr. WELCH.  
H.R. 2149: Mr. DRIEHAUS and Mr. TIBERI.  
H.R. 2163: Mr. LANGEVIN.  
H.R. 2164: Mr. LANGEVIN.  
H.R. 2172: Mr. BAIRD and Mr. PALLONE.  
H. Con. Res. 84: Mr. ROE of Tennessee, Mr. LATTA, Mr. BARRETT of South Carolina, Mr. FORTENBERRY, Mr. GINGREY of Georgia, Mr. KLINE of Minnesota, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. FRANKS of Arizona, Mr. POSEY, Mr. MILLER of Florida, Mr. UPTON, Mr. LEWIS of California, Mr. BACHUS, Mr. GOHMERT, Mr. EHLERS, Mr. REBERG, Ms. JENKINS, Mr. AKIN, Ms. GINNY BROWN-WAITE of Florida, Mr. JONES, Mr. DUNCAN, Mr. GRAVES, Mr. ROGERS of Kentucky, Mr. TIAHRT, Mr. GALLEGLY, Mr. PUTNAM, Mr. BOREN, Mr. SHUSTER, Mr. CAPUANO, Mr. CRENSHAW, Mr. BRADY of Texas, Mr. NUNES, Mr. BRADY of Pennsylvania, Mr. ISRAEL, Mr. MOORE of Kansas, Mr. LANCE, Mr. WILSON of South Carolina, Mr. WALZ, Mr. CARDOZA, Mr. PENCE, Mr. COOPER, Mr. THOMPSON of Pennsylvania, Mr. TAYLOR, Mr. YOUNG of Florida, Mr. BONNER, Mr. FRELINGHUYSEN, Mr. SHIMKUS, Mr. LARSEN of Washington, Mr. CONAWAY, Mr. SMITH of Nebraska, Mr. KILDEE, Mrs. SCHMIDT, Mr. KIND, Mr. CAMPBELL, Mr. BOSWELL, Mr. DEAL of Georgia, Mr. ELLSWORTH, Mr. BROUN of Georgia, Mr. ISSA, Mr. PAUL, Mr. BUYER, Mr. COSTELLO, Mr. NEAL of Massachusetts, and Mr. STUPAK.  
H. Con. Res. 87: Mr. WOLF and Mr. ELLISON.  
H. Con. Res. 89: Mr. HOLT and Ms. ROS-LEHTINEN.  
H. Con. Res. 98: Mr. MCGOVERN.  
H. Con. Res. 102: Ms. BALDWIN.  
H. Con. Res. 107: Ms. RICHARDSON, Mr. WAXMAN, and Ms. JACKSON-LEE of Texas.  
H. Con. Res. 108: Mr. MORAN of Virginia.  
H. Con. Res. 111: Mr. MCHENRY, Mr. SHAD-EGG, Mr. LINDER, Ms. ROS-LEHTINEN, Mr. JORDAN of Ohio, Mr. McCAUL, Ms. BORDALLO, Mr. MANZULLO, Mr. MACK, Mr. SMITH of New Jersey, and Mr. BOOZMAN.  
H. Res. 57: Mr. SABLAN and Mr. YOUNG of Alaska.  
H. Res. 159: Ms. TSONGAS, Ms. SCHAKOWSKY, Ms. PINGREE of Maine, Ms. CLARKE, and Mrs. MALONEY.

H. Res. 185: Mr. MEEK of Florida and Mr. MEEKS of New York.

H. Res. 204: Ms. ROYBAL-ALLARD.

H. Res. 209: Mr. BLUMENAUER.

H. Res. 232: Mr. WILSON of South Carolina and Mr. BROUN of Georgia.

H. Res. 260: Mr. OLVER, Ms. ROYBAL-ALLARD, and Mrs. CHRISTENSEN.

H. Res. 278: Mr. DREIER and Ms. MOORE of Wisconsin.

H. Res. 309: Mr. ROHRABACHER and Mr. FALCOMAVAEGA.

H. Res. 318: Mr. YOUNG of Alaska, Ms. MARKEY of Colorado, and Mr. ROE of Tennessee.

H. Res. 349: Mr. TANNER, Mr. ROGERS of Alabama, Mr. DEAL of Georgia, Mr. SIMPSON, Mr. BISHOP of Utah, Mr. SESSIONS, Mr. McCAUL, Mr. KIND, Mr. INGLIS, Mr. GINGREY of Georgia, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. MILLER of Florida, Mr. LIPINSKI, Mr. CAMP, Mr. BRADY of Texas, Mrs. McMORRIS RODGERS, Mr. JOHNSON of Georgia, Mr. MEEK of Florida, Mr. GORDON of Tennessee, Mr. BOUSTANY, Mr. SMITH of New Jersey, Mr. DICKS, Mr. ROGERS of Michigan, Mr. BOOZMAN, Mr. FRELINGHUYSEN, Mr. GARRETT of New Jersey, Mr. LARSEN of Washington, and Mr. HOEKSTRA.

H. Res. 350: Mr. SMITH of New Jersey, Mr. GERLACH, Ms. EDWARDS of Maryland, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. POE of Texas, Mr. PASCRELL, Mr. DENT, Mr. MURTHA, Mr. SHUSTER, Mr. CARNEY, Mr. HARE, Ms. PINGREE of Maine, Mr. BOSWELL, Mr. PITTS, and Mr. LOEBSSACK.

H. Res. 360: Mr. SOUDER and Mr. LEE of New York.

H. Res. 363: Mr. FARR.

H. Res. 364: Mr. HASTINGS of Florida, Mr. HIMES, and Mr. SHERMAN.

H. Res. 366: Mr. WOLF and Mr. PRICE of North Carolina.

H. Res. 367: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BISHOP of New York, Mr. FILNER, Mr. CARNEY, Mr. BOSWELL, Mr. DeFAZIO, Mr. TEAGUE, Mr. COHEN, Mr. MICHAUD, Mr. LARSEN of Washington, Mr. McMAHON, Mrs. LOWEY, Ms. MARKEY of Colorado, Mr. GUTHRIE, Mr. RAHALL, Mr. TONKO, Mr. BACHUS, Mrs. MILLER of Michigan, Ms. WATSON, Mr. CLYBURN, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. DELAHUNT, Mr. WATT, Ms. KILPATRICK of Michigan, Mr. ELLISON, Mr. OLVER, Mr. AL GREEN of Texas, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mr. BOOZMAN, Mr. BUTTERFIELD, Mr. FRANK of Massachusetts, Ms. CASTOR of Florida, Mr. McGOVERN, Mr. KAGEN, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Ms. MOORE of Wisconsin, Ms. EDWARDS of Maryland, Mr. CRENSHAW, Mr. LARSON of Connecticut, and Mr. WALZ.

H. Res. 370: Mr. BOSWELL, Mr. MEEKS of New York, Mr. PERLMUTTER, Mrs. MCCARTHY of New York, Mrs. HALVORSON, Mr. CROWLEY, Mr. HODES, Mrs. CAPPs, Ms. BALDWIN, Mr. ELLISON, Ms. EDWARDS of Maryland, Mr. WEINER, Ms. DEGETTE, and Mr. WAXMAN.

H. Res. 374: Mr. CASTLE, Mr. MORAN of Virginia, Ms. MATSUI, Ms. BORDALLO, Mr. KLEIN of Florida, Mr. MEEKS of New York, Mr. MOORE of Kansas, Mr. DAVIS of Kentucky, Mr. ENGEL, Mr. LUETKEMEYER, Mr. PETERSON, Mr. HINOJOSA, Mr. NEAL of Massachusetts, Mr. POE of Texas, Mr. TERRY, Ms. GRANGER, Mr. ABERCROMBIE, Mr. YOUNG of Alaska, Mr. GORDON of Tennessee, Mr. KIRK, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SIMPSON, Mr. CUMMINGS, Mr. SKELTON, Mr. CLAY, Mr. TOWNS, Mr. LINCOLN

DIAZ-BALART of Florida, Mr. GUTIERREZ, Mr. HOLDEN, Mr. BURTON of Indiana, and Mr. ETHERIDGE.

H. Res. 377: Mrs. MALONEY, Mr. BISHOP of Georgia, Mrs. BLACKBURN, Mr. JONES, Mr. YOUNG of Alaska, Mr. BROUN of Georgia, Mrs. NAPOLITANO, Mrs. McMORRIS RODGERS, Mr. ORTIZ, Mr. McKEON, Mr. GARY G. MILLER of California, Ms. GIFFORDS, Mr. LAMBORN, Mr. KENNEDY, Mrs. BONO MACK, Mr. RADANOVICH, Ms. BORDALLO, Mr. MASSA, Mr. PERRIELLO, Mr. KISSELL, Mr. MICHAUD, Mr. TAYLOR, Mr. WILSON of South Carolina, Mr. LINDER, Mr. ROHRABACHER, Mr. BERMAN, Mr. DANIEL E. LUNGREN of California, Mr. NEUGEBAUER, Mr. HENSARLING, Mr. PAUL, Mr. MARIO DIAZ-BALART of Florida, Mr. OBERSTAR, Mr. KANJORSKI, Mr. WALDEN, Mr. GOODLATTE, Mr. BOREN, Mr. SULLIVAN, Mr. THORNBERRY, Mr. CULBERSON, Mr. GOHMERT, Mr. OLSON, Mr. FRANKS of Arizona, Ms. FOXX, Mr. BONNER, Mr. SOUDER, Mr. ROGERS of Michigan, Mr. BILBRAY, Mr. NUNES, Mr. BLUNT, Mr. MARSHALL, Mr. LEWIS of California, Mr. PAYNE, Mr. MCCARTHY of California, Mr. McGOVERN, and Mr. ROYCE.

H. Res. 378: Mr. GINGREY of Georgia, Mr. BOUSTANY, Mr. CONAWAY, Mr. ADERHOLT, Mr. CARTER, Mr. SESSIONS, and Mr. FORTENBERRY.

#### DELETIONS OF SPONSORS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. R. 2072: Mrs. EMERSON.