United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, APRIL 30, 2009 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.

Printed on recycled paper.

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 unfair, 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 reeducation 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 CARDHOLDERS' 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. Protects 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)/Lowey (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)/Boccieri (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 leadership 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 ayes 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 proceedings 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 CARDHOLDERS' 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
Altmire	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)
Braley (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
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—175

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

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

□ 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 (j) (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 accordance 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:

''(8) 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 regulations 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 payments 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 gentlelady 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 micromanage. 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 gentlelady 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 gentlewoman 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 consumer 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 comparison 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 marketplace, 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 cosponsor.

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 rulemaking, 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 veterans 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 gentlelady 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, Ginny	Connolly (VA)
Andrews	Buchanan	Conyers
Arcuri	Butterfield	Cooper
Baca	Buyer	Costa
Baird	Camp	Costello
Baldwin	Cao	Courtney
Barrow	Capito	Crenshaw
Barton (TX)	Capps	Crowley
Becerra	Capuano	Cuellar
Berkley	Cardoza	Cummings
Berman	Carnahan	Dahlkemper
Bishop (GA)	Carney	Davis (AL)
Bishop (NY)	Carson (IN)	Davis (CA)
Blumenauer	Castor (FL)	Davis (IL)
Boccieri	Chandler	Davis (TN)
Bono Mack	Christensen	Deal (GA)
Boren	Clarke	DeFazio
Boswell	Clay	DeGette
Boucher	Cleaver	Delahunt
Brady (PA)	Clyburn	DeLauro
Braley (IA)		Dent

Dicks
Dingell
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Frank (MA)
Fudge
Gerlach
Gingrey (GA)
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Platts
Pomeroy
Price (NC)
Quigley
Radanovich
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sablan
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—154

Aderholt
Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Bean
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Boyd
Brady (TX)
Bright
Broun (GA)
Burton (IN)
Calvert
Campbell
Cantor
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Conaway
Culberson
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Dreier
Edwards (TX)
Emerson
Fallin
Flake
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Goodlatte
Graves
Griffith
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Himes
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kline (MN)
Lamborn
Lance
Latham
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Neugebauer
Nunes
Obey
Olson
Olver
Paul
Pence
Perlmutter
Pitts
Poe (TX)
Polis (CO)
Posey
Price (GA)
Putnam
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rohrabacher
Rooney
Royce
Ryan (WI)
Salazar
Scalise
Schiff
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Sullivan
Tanner
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Young (AK)

NOT VOTING—9

Berry
Bishop (UT)
Bordallo
Burgess
Granger
Hastings (FL)
Johnson (GA)
Rush
Stark

□ 1439

Messrs. GALLEGLY, TANNER, FLAKE, BOYD, MITCHELL, FOSTER and SCHIFF changed their vote from ''aye'' to ''no.''

Mrs. MILLER of Michigan and Messrs. GUTHRIE and WITTMAN changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUSH. Mr. Chair, on rollcall No. 225 I was unavoidably detained in a strategic meeting of significant interests to my constituents. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 8 OFFERED BY MRS. MALONEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MALONEY) 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 Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 284, noes 149, not voting 6, as follows:

[Roll No. 226]

AYES—284

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Campbell
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gohmert
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matsui
McCaul
McCollum
McDermott
McGovern
McHugh
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Speier
Spratt
Stearns
Stupak
Sutton
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—149

Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd
Broun (GA)
Brown-Waite, Ginny
Burton (IN)
Calvert
Camp
Cantor
Capito
Carter
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Conaway
Costa
Dahlkemper
Davis (KY)
Deal (GA)
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)

Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kirk
Kline (MN)
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Matheson
McCarthy (CA)
McCarthy (NY)
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Roskam
Royce
Ryan (WI)
Salazar
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Space
Sullivan
Tanner
Thompson (PA)
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Berry
Bordallo
Burgess
Granger
Hastings (FL)
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 Committee 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
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)

NOES—263

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gerlach
Gonzalez

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

NOT VOTING—6

Berry
Burgess
Granger
Hastings (FL)
Hastings (WA)
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
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Heinrich
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—70

Bachmann
Bachus
Barrett (SC)
Bishop (UT)
Blackburn
Boehner
Bonner
Brady (TX)
Broun (GA)
Cantor
Chaffetz
Coble
Conaway
Davis (KY)
Deal (GA)
Dreier
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Heller
Hensarling
Herger
Herseth Sandlin
Inglis
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Latta
Linder
Lucas
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
McMorris Rodgers
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Olson
Paul
Pitts
Poe (TX)
Price (GA)
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Thompson (PA)
Thornberry
Tiahrt
Westmoreland
Wilson (SC)

NOT VOTING—7

Berry
Burgess
Granger
Hastings (FL)
Hastings (WA)
Pence
Stark

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 benchmarks 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.

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.

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 primary 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 gentlewoman 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 government 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 gentlewoman 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 gentlewoman 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 gentlewoman 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 technology 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 gentlewoman 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 continue 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 leftover 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 provided 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 breathtaking 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 obediency 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 philias. And the gentleman from Florida said, I think we have to have special protected status from all philias 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 philias, 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. Gutierrez, 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 K. 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 Luján, 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. Sánchez, 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 Treasury, 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. FALEOMAVAEGA:

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 determined 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. ROS-LEHTINEN, 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. FILNER, 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. Shivnen 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 individuals 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. FOXX, 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. SÁNCHEZ 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. BRALEY 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 acknowledging 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, Ms. 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. REHBERG, 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. SHADEGG, 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. FALEOMAVAEGA.

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. LOEBSACK.

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.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, APRIL 30, 2009 No. 65

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Chaplain MAJ Jonathan Etterbeek, from the 32nd Medical Brigade at Fort Sam Houston, TX.

The guest Chaplain offered the following prayer:

Will you pray with me, please.

Almighty God, I ask Your blessing upon today's session of the Senate. Grant Your guidance and wisdom upon our legislators and their staffs in their decisions and deliberations. Let this legislative body exemplify the value-based, principle-centered leadership that is reflective of the diversity and inclusivity of the American people. Let integrity and personal courage be the hallmarks of their selfless service to the Nation.

Lord, I ask a special blessing upon our military children with autism during this month of the Military Child and National Autism Awareness Month. Let us honor the sacrifices of our military parents by providing the best possible care for our military children, especially those who suffer from autism. Spiritually edify us to live justly, to love mercy, and walk humbly with You, O God.

In Your Holy name I pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN GILLIBRAND 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 30, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, following the remarks of the two leaders, the Senate will be in a period of morning business for up to an hour. Senators will be allowed to speak during that time for up to 10 minutes each. The majority will control the first 30 minutes, the Republicans will control the next 30 minutes.

Following morning business, the Senate will begin consideration of the mortgage foreclosure and enhancement mortgage credit legislation. Senator DURBIN will be recognized to offer an amendment with reference to mortgage modification—the bankruptcy provision. There will be up to 4 hours of debate on that issue equally divided. There will be an affirmative 60-vote threshold on that amendment. Senators, therefore, should expect the first vote between 2:30 and 3:30 this afternoon.

Upon disposition of that amendment, Senator DODD will be recognized to offer a Dodd-Shelby substitute amendment. The Senate will then proceed to executive session to consider the nomination of Thomas Strickland to be Assistant Secretary for Fish and Wildlife. There will be up to 3 hours for debate with respect to the Strickland nomination, 1 hour for the majority, 2 hours for the Republicans, with Senator BUNNING controlling 30 minutes of Republican time. Confirmation of the Strickland nomination is also subject to an affirmative 60-vote threshold.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

OBAMA GUANTANAMO POLICY

Mr. McCONNELL. Madam President, today the Secretary of Defense and the Secretary of State will appear before the Appropriations Committee to support the administration's request for funding to execute our combat operations in Iraq and Afghanistan. They will be explaining the need to expend more than $80 billion in our efforts to defeat the Taliban, al-Qaida, and to preserve our security gains in Iraq.

The administration's request also includes $80 million to close the secure detention facility at Guantanamo Bay. Yet rather than appear before the Senate to explain why these funds are necessary, and what the administration

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

plans to do with the terrorists housed at Guantanamo, Attorney General Holder chose to deliver a speech in Berlin yesterday in which he reiterated the administration's intent to close it.

During that speech, Attorney General Holder acknowledged once again that Guantanamo is ''run in an efficient, professional manner.'' He said detainees there are treated humanely. Yet Guantanamo must be closed, he said, because it represents, as he put it, a time and an approach that we want to put behind us. And keeping this so-called symbol open ''makes America less safe'' and makes our friends, including Europeans, ''less secure.''

It is clear from these remarks that the administration is putting symbolism ahead of safety. This becomes even more apparent from Attorney General Holder's admission that closing Guantanamo will be ''one of the most daunting challenges'' he will face. He clearly realizes what most Americans realize: closing Guantanamo is not a good option if no safe alternatives exist.

In an effort to circumvent this dilemma, Attorney General Holder says the U.S. will not only transfer detainees but also release some of them and try others in Federal court. Nowhere did the Attorney General mention the use of the military commissions process that Congress passed on a bipartisan basis at the direction of the Supreme Court. The Attorney General's comments present a whole range of new problems and potential dangers that some of my colleagues will detail throughout the day.

Attorney General Holder also failed to address recent news reports that the administration was considering releasing Guantanamo detainees into American communities. On April 2, Senator Sessions sent the Attorney General a letter asking him what legal authority the administration has to release detainees who have participated in terrorist-related activities into the United States. The Attorney General still has not responded to Senator Sessions. But it is a question the American people want answered right away.

This weekend I will be attending the Kentucky Derby with well over 100,000 Kentuckians and other Americans, and if I asked every one of them if they thought sending terrorists to our neighborhoods was a good plan, I would get more than 100,000 resounding ''noes.''

Since the administration has not given any indication where it plans to put the 240 terrorists currently housed at Guantanamo, the Attorney General was asked in Berlin if any of the detainees could be put up in hotels. According to the Associated Press report on the meeting, the Attorney General joked that ''hotels might be a possibility, it depends on where the hotel is.''

The question of where the terrorists at Guantanamo will be sent is no joking matter—and the administration needs to tell the American people how it will keep the terrorists at Guantanamo out of our neighborhoods and off of the battlefield. Its one thing not to have a plan. It is another to joke about not having one.

HONORING OUR ARMED FORCES

SERGEANT DAVID K. COOPER

Mr. MCCONNELL. Madam President, the Nation and the Commonwealth of Kentucky are poorer today for the loss of SGT David K. Cooper of Williamsburg. On August 27, 2008, Sergeant Cooper was tragically killed when his dismounted patrol came under small-arms fire in Iraq. He was 25 years old.

Sergeant Cooper was in his third tour in Iraq. For his bravery in uniform, he received several medals, awards and decorations, including the Army Good Conduct Medal, the Purple Heart and the Bronze Star Medal.

Sergeant Cooper was laid to rest at Bowlin Cemetery in Jellico, TN, about 10 miles south of Williamsburg. Ed Bailey, a friend who watched him grow up, said of Sergeant Cooper, ''I don't know where our country keeps getting these heroes.''

Ronald and Judy Cooper, David's parents, could tell you. They fondly remember David, who was born in Whitley County and raised in Williamsburg, as a fun-loving kid who enjoyed football, track and playing in the school band.

''David seemed to go straight from being a little boy at 11 to being a man at 12, full facial hair and all,'' says his mother, Judy. ''David played junior-high football. The coach had David and one other player like him. Coach had to carry a copy of these two players' birth certificates to prove they were not over age for junior-high football.''

David went on to play defensive end and tight end on his highschool football team, the Williamsburg Yellow Jackets. One friend who played with him, Steven Moses, still remembers David as ''hard as heck to block.''

David had many friends, who called him by the nickname ''Coop.'' As for David's friends, they all seemed to have the same first name—''My Buddy.''

In a eulogy she wrote with David's sisters, Veronica and Vanessa, and graciously shared with me, Judy recalls what David would call his friends: ''My Buddy Matt, My Buddy Chapman, My Buddy Black.''

Once when David went out with his friends to cut down their own Christmas tree, he demonstrated that he barely knew his own strength. The group borrowed a parent's truck, went out and cut down a big beautiful cedar.

''David was always a big, strong man, even in high school,'' says Judy. ''As they were loading the tree, one of the branches got stuck on the tailgate. David and one of his friends got up into the truck, gave a mighty heave, and pulled the tree up into the bed of the truck and straight through the back window.''

David graduated from Williamsburg High School in 2001 and attended Eastern Kentucky University. In May 2004, he enlisted in the Army.

Roddy Harrison, the mayor of Williamsburg and David's former teacher and high school football coach, remembers seeing David soon after he enlisted and telling him how proud he was of him. ''He was a smart kid,'' Mayor Harrison recalls. ''A good student, very likable. He had a great sense of humor. . . . We are going to miss him.''

David attended basic training at Fort Sill, OK, and advanced individual training at Fort Sill and Redstone Arsenal in Alabama. By 2005, he was assigned to Golf Forward Support Company, 4th Battalion, 42nd Field Artillery, 1st Brigade Combat Team, 4th Infantry Division, based out of Fort Hood, TX. He was soon deployed to Iraq and served as a radar repair mechanic.

David's commanding officer in Iraq, CPT Christopher M. Guillory, wrote to Judy about her son. ''I usually called him Coop; [he] called me 'sir' or 'Captain G,' '' he wrote. ''Whether it was at Chapman's house while they were working on trucks, the drag strip, or at the monster truck shows, he was always respectful to me while we had a great time. David was a great young man, who had shown a great deal of maturity in the time I knew him.''

In Iraq, David served as a command team driver and company armorer. He was selected to serve on his command sergeant major's personal security detail for his tactical knowledge and record of performance.

When home on leave, David would tell his childhood friend Matt Mountjoy about the excitement of serving in the Army. He knew the dangers but was unafraid to face them. ''He really was a brave person,'' Matt says. ''I never, never heard him say he was ever scared.''

His mother Judy remembers that after David's death, a group of his friends came to visit her and share stories about her son. The stories mostly began, ''You remember that time when me and you and Coop . . . '' Judy says. ''They were all funny, most of them dangerous. . . . Were they funny at the time? No. Where do you think I got all of these gray hairs and wrinkles? But time does give us perspective.''

David's many friends and family members are in our thoughts as we remember him today. We are thinking of his wife, Amanda Fuston Cooper; his parents, Ronald Cooper and Judy Parrot Cooper; his sisters, Veronica Cooper and Vanessa Cooper, and Vanessa's finance Dave Seeger; his grandparents, Wanda and E.L. Cooper; his aunts, Jenny Begluitti, Janice Rutherford, and Joyce Dippel, and Joyce's husband Marty; his uncles, Steve Cooper and John Parrot, and John's wife Sonya; and many other beloved friends and family members.

All of those who knew him will remember a man of many fine qualities, including honesty. His mother Judy

says no one ever had to guess where they stood with David. ''David and I had a very close relationship,'' she says. ''He always said, 'Mom, I know there isn't any sense in me trying to lie to you. I know you're just going to find out the truth anyway.' ''

What is the truth now is that our Nation must never forget SGT David K. Cooper's service, nor can we ever forget the loss and pain caused to his family by his enormous sacrifice. I hope they will remember that this Senate is proud to honor SGT David K. Cooper for his bravery, his patriotism, and his love of country.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

CASTRO BROTHERS

Mr. MENENDEZ. Madam President, two weeks ago, the democratically elected leaders of the Western Hemisphere met for the Summit of the Americas. The Castro regime in Cuba was not invited, because it has violated the democratic charter of the Organization of American States for the last 5 decades.

At the same time as that meeting in Trinidad and Tobago, Raul Castro gave a speech in Venezuela. He said he would be willing to negotiate with the United States and put everything on the table. Many considered this ''news.''

Well, let me tell you, those comments aren't news to anyone who has followed the rhetoric of the regime over the decades. The Castros have made promise after promise and none of their promises have resulted in substantial change on the island, none of their promises have resulted in the release of the labor leaders, journalists or clergymen jailed for no crime other than speaking their minds, the end of the network of government spies on every block, or the granting of basic human rights that we in the United States take for granted. None of their promises have resulted in economic freedom for the millions of Cubans who try to get by on less than a dollar a day.

And so it was hardly news that not long after Raul Castro spoke, his older brother Fidel made comments clarifying that nothing would change, and blaming all conditions in Cuba on the United States.

He said President Obama acted with ''autosuficiencia'' y ''superficialidad'', he called him conceited and superficial.

I am surprised that Secretary Clinton, in her remarks, would jump so fast to consider that good news.

While Raul Castro spoke at a meeting in Venezuela, there was another gathering going on in Cuba. It was a gathering of state security agents and secret police, outside the home of Jorge Luis García Pérez, known as ''Antúnez.''

With tremendous courage, Antúnez began a hunger strike to protest the oppressive Castro regime. In response, agents descended on the house last March 17. According to Amnesty International, they have orders to use force against and arrest anyone to prevent them from entering the house, including anyone who could provide medical treatment.

Antúnez and three other Cubans have vowed to continue their protest until the torture of political prisoner Mario Alberto Perez Aguilera, held at the Santa Clara Provincial Prison, ceases immediately.

They will continue their protest until he is taken out of a tiny solitary confinement cell, until he is no longer beaten and forced to starve, until the regime allows Antúnez' sister Caridad Garcia Perez to rebuild her home destroyed by the hurricanes last year, which they have not allowed, as further punishment to these activists.

From his house in Placetas, Cuba, Antúnez wrote me a letter on April 13.

Here's an excerpt, in Spanish:

> Compatriotas a nombre de nuestro pueblo cubano persistan en sus nobles y sinceros esfuerzos, sepan que para los cubanos la libertad, la dignidad y el respeto a los derechos humanos tienen mucho más permanencia e importancia que las ventajas económicas que puedan traer los viajes de turismo y las llegadas de insumos que financiarín más que al pueblo a la cruel tiranía que nos oprime.

He said:

> Those who continue their noble and sincere efforts on behalf of the Cuban people, please know, that for Cubans, liberty, dignity and respect for human rights are much more permanent and important than the economic advantages that might come with visiting tourists and the arrival of products, which will benefit the cruel tyranny that oppresses us more than the Cuban people.

That is the kind of courage that can break a dictatorship. That is the kind of courage we should support. And that is the kind of person whose advice we should heed, the human rights activist, the Cuban who sacrifices day and night in a peaceful struggle for freedom, these are the voices we should listen to when we are making our policy toward the Castro regime.

Some like to cling to a romantic notion of the Castros, but we cannot lose sight of these brutal facts. There is no indication that political prisoners are being released, free speech is being allowed or Cubans are being granted basic liberties that we take for granted.

For the Organization of American States to readmit a regime that engages in this type of systematic suppression of human rights, it would have to rip up its Inter-American Democratic Charter as a farce. It would have to ignore Article 78 of the declaration, reaffirming, ''the legitimacy of electoral processes and full respect for human rights and fundamental freedoms.'' And it would be sending a clear signal to other countries moving in the wrong direction, away from democracy, that it is perfectly OK to do so.

In respect to the very complicated choices we have on Cuba policy, President Obama has proven himself a man of action. I support his allowing Cuban-Americans more opportunities to travel to Cuba, because I think families should have the chance to be reunited.

On the other hand, and although I support finding ways to improve the financial situation of the Cuban people, I think allowing unlimited remittances was not the right move, when the Castro regime still takes for itself up to 30 percent of all the money sent.

The administration also announced changes regarding telecommunications policy. Let me be clear: in spite of the fact that the regime has rejected such gestures in the past, I hope that it will now allow U.S. telecommunications companies to increase the flow of information to and from the island. That said, we need to be sure to prevent a repeat of what happened in China, where U.S. telecommunications firms helped the Chinese government monitor Internet users and control content. U.S. companies cannot and should not censor Internet searches and block Web sites at the request of the regime.

But mainly what we have learned from these good-faith actions on the part of the United States is that they have not resulted in any change of behavior from the regime in Cuba.

We have traded concessions and gotten only rhetoric in return. We have extended our hand, while the Cuban regime maintains its iron-handed clenched fist.

We cannot allow ourselves to start down a slippery slope of relaxing restrictions, that only winds up allowing the Castro regime to strengthen the iron fist by which it rules.

The press is reporting that the State Department is looking to hold talks on migration and counternarcotics with the Castro regime.

These are serious issues. But without seeing any progress whatsoever on the part of the regime, it is hard to see why we should be looking for more opportunities to make additional concessions. It is hard to see why we should believe whatever promises the regime might make. And it is hard to see why we should cooperate on migration or counternarcotics with a Cuban navy whose main mission is patrolling for and sinking ships carrying its own fleeing citizens.

If we open up discussions now, we are essentially giving the regime a pass on progress and taking the focus off of where President Obama rightly put it, freedom on the island, freedom for political prisoners, freedom from seizures of a huge percentage of remittances sent to the Cuban people.

So, this is exactly the wrong time to start these conversations and starting them would be in direct contradiction to the White House's own statements, as recently as April 17, that put the burden where it should be, on the Castro regime.

After 50 years of brutality, we need actions, not words, on the part of the Castro regime. Mere words won't erase the lack of dignity that Antúnez is protesting with a hunger strike. Words won't stop people like Oscar Elías Biscet, a renowned doctor, from being thrown into prison for refusing to give women a drug that caused abortions.

And words won't finally allow Oswaldo Payá to see the free elections he's worked for and marched for and gone to jail for.

Last week I heard one of my distinguished colleagues speak about human rights abuses in China. I think the Senator was absolutely right to highlight those abuses. And I think we should be no less concerned with prison camps in China than prison camps in Cuba, no less concerned with Tiananmen Square than with the Primavera Negra crackdown, no less appalled at a child laborer in Beijing than in Havana.

And by now we should be convinced that economic interaction in the face of an authoritarian government will not end Cuba's human rights abuses, just as it has not ended abuses in China.

Another of my distinguished colleagues has pointed out the peaceful revolutions that ended communism in Eastern Europe, including in his ancestors' homeland of Lithuania. I share the Senator's deep respect for those revolutions. And I think it is worth pointing out that when they took place, there was international support and recognition not primarily for the businesses who wanted to open those countries up for financial gain, but for the democracy activists within those countries who risked their lives to bring change.

There is simply no excuse for the Cuban regime's behavior. Forgiving it and forgetting it is not the answer.

If we want to change the way we conduct our policy, there are many things we can do to isolate and weaken the Castro regime, and hasten the day when the Cuban people can be free.

Let's have the U.S. offer more visitor and student visas for eligible Cubans to come to the U.S., to see and live our way of life. Having Americans travel to Cuba could never be as powerful as having Cuban youth see the greatness of our country, and its pluralistic, diverse, representative democracy. That taste of freedom would be infectious.

In return we simply seek a commitment from Cuba to accept their citizens' return, and to guarantee the issuance of exit permits for all qualified migrants.

Cuba is one of the few countries in the world that will not permit its citizens to travel even when they have a legitimate visa to do so. And, when they give them license to leave, they must pay to do so. I find it ironic that when people mention the U.S. embargo, they fail to mention the Castros' blockade on their own people, a blockade that keeps Cubans not only from leaving Cuba, but from moving freely within their own country.

If we want to facilitate the sales of food to Cuba, let us insist that they be sold in open markets, available to all Cubans, without it being part of Castro's food rationing plan, a plan meant to further control the Cuban people.

In exchange for cooperation with Cuba on narcotics trafficking, let them hand over the 200 fugitives the FBI knows are in Cuba, including JoAnne Chesimard, the convicted killer of New Jersey State Trooper Werner Foerster.

And in exchange for freeing commerce, let the Castros free the political prisoners they hold and allow them to speak freely, organize freely, elect their own leadership and freely practice their religion on Cuban soil. I hope we are not so blinded by the color of money that we forget how important it is for the Castros to close their dungeons and let the light of freedom shine down on everyone who calls the island home.

President Obama, who saw repression in Indonesia when he was a child, promised us this: He said:

> My policy toward Cuba will be guided by one word: Libertad. And the road to freedom for all Cubans must begin with justice for Cuba's political prisoners, the rights of free speech, a free press and freedom of assembly; and it must lead to elections that are free and fair.

For 50 years, the regime has been a social, economic and moral failure. It has succeeded merely at staying in power. Today, after the regime has offered few new words and fewer new actions, we can choose to change how we feel about the regime, or we can try to change the way it operates. That is our choice.

We can choose amnesia or we can choose justice. We can choose strong words or we can choose strong actions. We can choose giving in to the commercial interests of a few, or we can choose holding on to the moral interests that unite us all.

That is what I hope we will do. I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from New York.

SAFE BABY PRODUCTS ACT

Mrs. GILLIBRAND. Mr. President, I rise to speak about an issue that is very close to my heart. I am a mom. I have two young boys at home. Like all parents, I have faith and confidence that the products I use on my children—bath products, lotions, and soaps—are safe. But a new study was recently released by the Campaign for Safe Cosmetics revealing that widely used baby products, such as shampoos and baby lotions, contain probable carcinogens and other irritants, in particular formaldehyde and dioxane 1,4.

Like many other moms in New York, when I read this list of potentially dangerous products, I immediately began to worry about my children. I have two boys—Henry who is 11 months old and Theodore who is 5 years old. When I read this list of products, I noticed many of them are literally in my bathroom, and I have used them on my children since they were born. I was immediately very concerned. I began to think about what I could do to make a difference. The bottom line is, I, like all parents in America, need to know the facts about these products.

The Campaign for Safe Cosmetics commissioned an independent laboratory study to test 48 products for 1,4-dioxane, and 28 of those products were also tested for formaldehyde. The lab found that 61 percent contained both of those chemicals. Eighty-two percent contained formaldehyde from a level of 54 to 610 parts per million, and 67 percent contained 1,4-dioxane at levels up to 35 parts per million. The report says these chemicals are both probable carcinogens and irritants and have been known to cause cancer in animals.

The FDA, however, has not established a safe level for these chemicals in cosmetics, and these chemicals are currently not listed as ingredients because they are byproducts of the processing and manufacturing.

To me, this situation is unacceptable. Parents have the right to know whether the products they use on their children are safe. While a single product may not be cause for concern, the reality is, babies may be exposed to many products, several times a week. Children are particularly susceptible. Their skin is much finer, much thinner, so they can absorb contaminants more easily. They tend to breathe more quickly than adults, meaning their exposure to inhalation of some of these chemicals can be more considerable. We need to make sure the combination of these products is not causing harm to our youngest. Parents need to know if there are any risks in the products they trust. Parents have a right to know, and the government has a responsibility to make sure these products are safe.

That is why I rise to introduce legislation that will ensure these baby products are safe and that parents have the information they deserve. The Safe Baby Products Act will require the FDA to investigate the safety of baby products, publicly report the findings, and establish manufacturing practices that will reduce or eliminate any harmful chemicals. While there are no known cases of any disease directly linked to these products, what the legislation will do is require the FDA to test the safety and then report the findings so all of us can rest assured the products we use are safe. This commonsense legislation will ensure that we have all the facts we need about lotions and soap products because parents deserve to know.

This legislation will ensure transparency and accountability in this all-important consumer products market. The United States has a great history of taking steps to safeguard our kids. There is an important tradition of child and product safety laws.

As a mother of two young sons, I understand there is no duty greater for the Federal Government than to protect those who are most vulnerable among us. Other countries have taken leadership. The EU and Canada have banned dioxane in cosmetic products and have regulations for formaldehyde. Japan and Sweden have banned formaldehyde. The Israeli Health Ministry has banned the sales of U.S. baby products with carcinogenic chemicals.

All parents want the best for their kids. Our Government must not fail to protect our youngest and those who need our protection the most. This legislation will ensure that all of our parents have the information they need to keep our children safe.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that whatever remaining time there is on the Democratic side be preserved in the event that another Democratic speaker would want to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. I will begin the Republican side at this time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLOSING GITMO

Mr. KYL. Madam President, President Obama has set an arbitrary deadline of January of 2010 to close our prison at Guantanamo Bay. There is currently no plan on how to accomplish that. Nevertheless, the President has requested $80 million in a supplemental appropriations bill to accomplish it. The question is, before we approve $80 million for this purpose, should we not know what the money is going to be used for? We are not in the business of appropriating large sums of money without having any idea of what is going to happen to the money. There are a lot of questions, but there are virtually no answers.

This facility is virtually brand new. It is a $200 million state-of-the-art prison. I have not heard that any of the money is going to actually go to shutter the facility. That would be very strange, indeed, since I gather even if all of the terrorists were removed from it, there would still be a reason to have that prison so that it could house others. So what is the money going to be used for?

We have not heard that any other country has agreed to take these prisoners. I think France was willing to take one. But presumably very little of this $80 million is going to be used to pay other countries to take these prisoners. So what is the money going to be used for?

Obviously, we will not release them into society. I heard one wag talking about the possibility that they would be given some money and turned loose and directed to make the best of their new life. That, obviously, makes no sense. I haven't heard that any of the $80 million would be used for that purpose.

What could it be used for? Well, I guess the only other option would be these people would be transferred to other prisons, either State prisons or maybe a Federal or a military prison. I will go into why that is not a good idea in a moment. But I suppose some of the money could be used to pay a State prison, for example, or to provide funding for a Federal prison, even though they are already funded, and I am not sure why they should need the additional money. But maybe they need additional security, for example. Perhaps some of the money could be used for that.

Why the number $80 million? Where did that number come from? Is there a plan, and we have not been told about it yet? There are a lot of questions that have to be answered before I am willing to vote to spend $80 million—or not spend it but to authorize $80 million to be spent but on what I do not know.

Let's understand that the reason these terrorists are at Guantanamo Bay—there are two reasons. No. 1, these are the worst of the worst. These are extraordinarily dangerous people who have all said that if given half a chance they will kill Americans or anybody else with whom they disagree. The second reason is, this facility keeps them in a place where they are safe but also we are safe from having the facility attacked in order to release them or to have the guards or the prison officials put into jeopardy as a result of the proximity to terrorists who could have access to them.

Guantanamo Bay is not a place where terrorists can easily get access. As a result, it is the perfect place to keep these kinds of dangerous criminals. We have already let a lot of the people at Guantanamo Bay free because we judged they were not a danger any longer. Unfortunately, we were wrong about many of them. There are well over 30—and I think the number may be over 50 by now—who we actually have information have returned to the battlefield. Some of them, we know, have been killed, some have been captured again, and we know some have gone right back to committing terrorist atrocities. These are people who we thought were rehabilitated or were not terrorists in the first place.

Now we are talking about roughly 240 or 245 who we know are very dangerous if they were ever to be released. What can be done with them? We cannot release them back to the battlefield. We cannot take them to some country such as Switzerland and turn them loose and say: Well, go wherever you want to. Other countries do not want to take them. You cannot turn them over to countries that we believe will obviously mistreat them or will turn them loose.

The only other option I can see is they would be put in some American prison. Think for a moment about that. One reason the prison guards at Guantanamo do not wear any identification is because they do not want these terrorists to know who they are. If they did, it would be possible to locate their families back in the States and to threaten them or actually do harm to them. This is not hard.

If they are transferred to the State prison in Arizona, let's say, what would have to be done there? Well, everybody knows who the warden of the State prison is in Arizona. Is that person and the family going to be jeopardized as a result of the fact that person is in charge of the Arizona prisons? Obviously, all the guards would have to have the same kind of training that our very capable people at Guantanamo have received. This would cost extra money. They could not be identified in any way to these individuals. The facilities would probably have to be hardened in order to ensure there could be no escape.

But as we found in both Afghanistan and Iraq, when terrorists are aware—and I believe this may have happened in Pakistan, though I could be corrected—when terrorists are aware their colleagues are being held in a facility, they make plans to try to spring them and they attack the facility and they try to hold hostages so they can trade for their colleagues who are in the prison.

Is that what we are going to expose Americans to in our communities? These are the kinds of things that have not been thought through and, obviously, have to be thought through. When somebody says to me: Will you vote for $80 million to close the prison at Guantanamo? I am going to say: Tell me what the $80 million is going to be used for. Tell me what the plan is and then I will think about it.

Let me mention—I said before these are the worst of the worst. They include 27 al-Qaida leaders, including the

mastermind of the September 11 attacks, key al-Qaida operatives, and Osama bin Laden lieutenants, as well as the orchestrator of the attack on the USS Cole, which killed 17 American sailors. In total, I believe there are 241 terrorists who remain under military guard at Guantanamo—those who have been identified as too dangerous to be released.

The Attorney General, about a month ago, said about these detainees—and I am quoting now—for ''people who can be released, there are a variety of options that we have and among them is the possibility that we would release them into this country.''

''Release them into this country''? I cannot imagine the American people being willing to do that.

Senator MCCONNELL asked a question of the Attorney General. He said: What is the legal basis for bringing these terrorist-trained detainees to the United States, given that Federal law specifically forbids the entry of anyone who endorses or espouses terrorism, has received terrorist training or belongs to a terrorist group?

It would be against U.S. law, as well as extraordinarily foolish, to release these people into this country, as the Attorney General intimated. As I said before, transferring them to facilities within our borders would create new terrorist targets.

The Senate has already spoken to this issue. In July of 2007, the Senate voted 94 to 3 that Guantanamo detainees should not be transferred stateside into facilities in American communities and neighborhoods.

So I repeat the question: Where will they go? European nations have said they will not take any of the terrorists because they cannot be integrated into their societies. Well, that is an understatement, to say the least.

Obviously, repatriating them to their native country has proven to be extraordinarily difficult too. That was obviously plan A. But these countries either, A, do not want them; B, could not take care of them; or, C, we believe would mistreat them.

We learned a lesson on repatriation in the case of Said Ali al-Shihri, who was returned home to Saudi Arabia after his release from Guantanamo. He promptly fled to Yemen. He is now a top leader of al-Qaida's Yemeni organization. Yemenis, interestingly, make up the largest population of Guantanamo prisoners. But Yemen has been the hardest country to engage on this issue. Even if it agreed to U.S. demands, it might not be capable of honoring them.

In fact, there are many areas of Yemen today that are very poorly governed. Its borders are porous. I do not think there is any confidence that if prisoners were released to Yemen, they would not immediately go back to the battlefield and we would be facing them again.

We should also keep in mind the conditions at Guantanamo are very good. Everyone who has visited there, I think, has agreed that the detainees are well treated, that they are exercised regularly, fed culturally and religiously appropriate meals, get medical and dental benefits—most far superior to any they had received before that in their life. They have access to mail, a library, are free to practice their religion. The International Committee of the Red Cross has unfettered access to monitor detainees.

It is not as if, in this particular facility, they are being mistreated. In fact, in this particular facility, they probably could be treated better than being returned stateside to some existing prison that would have to be modified in order to provide this kind of treatment for them.

I know of no better alternative than their current incarceration at Guantanamo. They are dangerous people who were picked up on the battlefield or in situations where we have very good reason to believe they are terrorists, that they would engage in terrorism or support terrorism if they were released.

We, obviously, are committed to moving forward because of the President's commitment. I believe the Congress will be willing to work with the President on this very difficult situation. But if the President is going to ask the Congress for money, then the President has to be able to share with us what his plan is, and we will try to help. What I do not think we will do is agree, as the Attorney General suggested, to release them into the United States.

I think it will be extraordinarily difficult to house them in some prison in one of our communities. We clearly have not been able to talk our allies into taking them. It is very difficult to return them to other countries because of the potential they would either be mistreated or immediately go back to the battlefield.

The President has committed to doing something, in my opinion, without thinking through carefully the consequences of the decision and the difficulty of implementing the decision.

To the extent he needs help from Congress, he needs to bring us into the discussion and share with us what he intends to do. Because we are not—as the vote before the Senate clearly indicated—we are not going to endorse a blank check on this and say: Fine, Mr. President, whatever you want to do, even though it could have an adverse impact on our communities or on our country.

That is why, despite the fact there are very good reasons to support other aspects of the supplemental appropriations bill that has been proffered to the Congress, this particular piece has to be modified. Either the President has to make clear what he intends to do with the $80 million, explain to the American people how he intends to move forward on this, or he should defer.

The supplemental appropriations bill, after all, is merely an emergency amount of money that may be needed in a place such as Iraq, Pakistan or Afghanistan, prior to the regular appropriations process taking place. If the President can suggest to us there is some emergency need for this money, then, obviously, we can consider that. But absent that, there is no reason to put it in the supplemental appropriations bill—a bill we need to pass because of the emergencies that do exist in places such as Pakistan, Afghanistan, and Iraq.

But short of explaining to us what he wants to do with the $80 million, I do not think this is something the Congress is going to be willing to include in the supplemental appropriations bill.

I would say this to the political operatives who sometimes get involved in these issues: Do not think that you can blackmail the Senate into supporting something such as this because of the urgency of getting the rest of the funds out into the field. Yes, those funds are important. But I think every one of our constituents would rightly be extraordinarily critical of any Senator who simply agreed carte blanche to appropriate $80 million if that meant these prisoners could be released into their communities or even be put behind bars in their communities. We have already spoken out against that, so that should not be part of the plan.

I think it is very important the President understands the Senate cannot approve a bill that has this kind of appropriation in it without bringing us into the process, getting our counsel as to how to deal with the problem, and then ask for our support for the funding to execute that particular plan.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WORLD PRESS FREEDOM DAY

Mr. MARTINEZ. Madam President, this Sunday, individuals around the world will mark World Press Freedom Day by recognizing the plight of journalists in nations where their rights are not accorded under the law.

Sadly, this includes many living in our own hemisphere.

In Cuba, the repressive regime has gone to great lengths to extinguish freedom of the press, freedom of expression, and independent thought.

Many have had their homes invaded, their families blacklisted, and their lives ruined for merely reporting the facts about the reality of Cuba under the Castro brothers' dictatorship.

Six years ago, in a massive crackdown on independent civil society activists, more than 100 people were detained, with 75 suffering prosecution and then later imprisonment. Of the 75 targeted by the regime for imprisonment, 35 were writers, journalists or independent librarians.

Because in Cuba the repression has been such that people are not allowed to even go to a library and read books that might be banned by the regime, individuals began to have home libraries where people could come and check out a book or read a book that might otherwise not be permitted by the Government. These people were imprisoned along with others who, in a fledgling kind of way, attempted to report conditions in Cuba.

Today, 22 of these courageous individuals remain imprisoned. In the intervening 6 years, they have been joined by others who dared to express independent thought.

Among those arrested during the 2003 ''Black Spring'' crackdown was Jose Luis Garcia Paneque, a doctor who became a journalist with the independent news agency Libertad—or ''freedom''—in Las Tunas Province. In 2003, Cuban state security searched his home and seized his personal possessions. He was prosecuted and convicted under Cuba's Orwellian penal code for acting ''against the independence or the territorial integrity of the state.''

He was sentenced to 24 years in prison—imagine, 24 years in prison—for a crime of being ''against the independence or the territorial integrity of the state.'' In fact, he was just a free journalist. He was sentenced to 24 years. He is limited to one family visit every 45 days. His health, understandably, has deteriorated and there is genuine concern for his well-being. For advocating on his behalf, the regime accused his wife of espionage and conspired to organize mobs outside their home. These government-inspired mobs threatened to burn the house while the family feared for their lives and were still inside the home. His wife and children were forced to flee the country, all because he dared to speak the truth.

Another independent journalist jailed by the regime is Normando Hernandez Gonzalez from Camaguey Province. Hernandez Gonzalez was arrested by the regime for reporting on the conditions of state-run services in Cuba and for criticizing the government's management of issues such as tourism, agriculture, fishing, and cultural affairs. He too was convicted for acting against ''the independence or the territorial integrity of the state.''

Following his arrest and 25-year sentence, Hernandez Gonzalez was placed in solitary confinement, allowed only 4 hours of sunlight per week, and limited communication with his family. Prison authorities encouraged inmates to harass Hernandez Gonzalez, according, to his wife Yarai Reyes Marin. It is no surprise his health has declined during his imprisonment.

As technology makes incremental advances in Cuba, the regime continues to clamp down on those using it to speak freely. Around the world, bloggers share information as fast as they receive it, but Cuban bloggers are lucky to have their messages penetrate the regime's repressive Internet restrictions.

One blogger who has found a way to report on the struggles of Cuban society is a woman named Yoani Sanchez. Sanchez is able to blog, but she does so at great risk of regime retribution at any moment. By e-mailing her observations on daily life in Cuba to friends outside the country, who then post them on line, she faces potential prosecution and imprisonment. Despite the risks, Sanchez eloquently expresses her support for freedom of expression. In one post she said:

> State control over the media remains intact, even though technological developments have helped people find parallel paths to keep themselves informed. Illegal satellite dishes, the controlled Internet, and books and manuals brought in by tourists have shaken the government's monopoly on providing news.

Like many other supposed ''freedoms'' in Cuba, the Cuban constitution actually provides for speech as long as it ''conforms to the aims of socialist society.''

According to the State Department's 2008 report on Cuba's human rights, anyone engaged in:

> disseminating ''enemy propaganda''

—is how they label it—

> which includes expressing opinions at odds with those of the government, is punishable by up to 14 years in prison.

Imagine 14 years in prison for disseminating ''enemy propaganda,'' as they determine it.

We here in the United States, with our traditions of freedom of expression and freedom of the press, often take our freedoms for granted. As we near the 3rd of May—a day in honor of free press around the world—I urge my colleagues to consider all those who are suffering for exercising their inalienable right to free speech.

I have a list here I ask unanimous consent to have printed in the RECORD. It lists all of those who are presently in prison in Cuba as a result of their desire to express themselves freely in violation of the dictates of the regime.

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

> Ricardo Severino Gonzalez Alfonso, Normando Hernandez Gonzalez, Hector Fernando Maseda Gutierrez, Pedro Arguelles Moran, Victor Rolando Arroyo Carmona, Mijail Bargaza Lugo, Juan Adolfo Fernandez Sainz, Miguel Galvan Gutierrez, Julia Cesar Galvez Rodriguez, Jose Luis Garcia Paneque, Lester Luis Gonzalez Penton, Ivan Hernandez Carrillo.
>
> Juan Carlos Herrera Acosta, Regis Iglesias Ramirez, Jose Ubaldo Izquierdo Hernandez, Jose Miguel Martinez Hernandez, Pablo Pacheco Avila, Fabio Prieto Llorente, Alfredo Manuel Pulido Lopez, Blas Giraldo Reyes Rodriguez, Omar Rodriguez Saludes, Omar Moises Ruiz Hernandez, Raymundo Perdigon Brito, Oscar Sanchez Madan, and Ramon Velazquez Toranso.

Mr. MARTINEZ. Madam President, today I will be introducing a resolution on World Freedom Day, if I may have another second to finish, and as I do, I hope many of my colleagues will join in this resolution. There may be some of us in this body who might differ on the best approach to bring freedom to Cuba. There ought to be no dissent on the issue that we all stand on the side of those who seek to freely express themselves in the midst of a very oppressive regime. So I hope we will have a lot of support for this resolution which I will be presenting later today.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, how much time is left, or would we be able to secure 20 minutes for Senator GRAHAM and myself?

The ACTING PRESIDENT pro tempore. The minority controls 7 minutes, and the majority controls 8 minutes.

Mrs. HUTCHISON. I ask unanimous consent to have 20 minutes for Senator GRAHAM and myself. If there is something else that is scheduled, I am happy to scale that back.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GUANTANAMO BAY

Mrs. HUTCHISON. Madam President, I wish to be notified at 10 minutes so I can assure that Senator GRAHAM of South Carolina can also speak.

We are speaking today on a very important subject. We are urging President Obama today to reconsider the decision to close Guantanamo Bay until he can reassure the American people that there is a viable alternative for detaining terrorist combatants.

Let there be no mistake. We are fighting a war on terror. This is a war that is just as important as any we have ever fought. Every war that we have fought for almost two centuries in this country has been a fight for freedom, and this is a fight for freedom too.

When President Obama announced by Executive order that he would close Guantanamo Bay, my initial reaction was, What are we going to do with these prisoners? What is the plan? We have not seen a plan, yet we have an order that says we are going to execute a closing of Guantanamo Bay with no plan for what we do with them.

I have been to Guantanamo Bay. I have visited that prison. I can tell my colleagues that in my observation and everything that we have learned since, the prisoners are being treated with respect. They are being well fed. They get health care coverage they have never had in their lives. Yet President Obama is saying we are going to close it even though we don't know what we are going to do with those prisoners.

What kind of precautions would be necessary to transfer these suspected terrorists? Well, we know that American prisons are simply not experienced in handling this unique and unprecedented brand of prisoner. In the United States, even petty and unsophisticated criminals find ways to plot behind prison walls.

For example, there was a recent news release about prisoners smuggling cell phones behind bars. The problem is so widespread that I have introduced, along with Congressman KEVIN BRADY on the House side, legislation to prevent prison inmates from using smuggled cell phones. In Texas, authorities say a death row inmate, Richard Tabler, used a smuggled cell phone to make threatening calls to a State Senator. Tabler's phone was found in the ceiling above a shower, and when they found it, they also found 11 more phones belonging to other death row inmates while they were looking for Mr. Tabler's. Do we want to take the risk that key al-Qaida terrorists, including Khalid Sheikh Mohammed, the confessed mastermind of the attacks on 9/11, won't be able to do what Richard Tabler and so many other prisoners have done—get a cell phone and plot attacks or escapes?

I think many of my colleagues understand the stakes here. On July 19 of 2007, the Senate voted 94 to 3 that detainees housed at Guantanamo Bay should not be released into American society, nor should they be transferred stateside into facilities in American communities and neighborhoods. So what is the alternative? There is another alternative. We could let them go. We could release them back to their home country or to some other foreign country, but let's look at the risks of that.

We now know that as many as 61 detainees previously released from Guantanamo Bay have returned to the battlefield, many of whom are now waging war against Americans. The prisoners already released were believed to be the least dangerous and yet many have returned to the battlefield. The ones remaining are considered the most dangerous and the most likely to kill again or plot to kill again.

Earlier this year, we learned that one former Guantanamo Bay detainee, Said Ali al-Shihri, is currently serving as the deputy leader of al-Qaida in Yemen. Those terrorists are directly responsible for the 2008 bombing of the U.S. Embassy in Yemen in which 10 people were murdered. Even though Al-Shihri was transferred from Guantanamo Bay to Saudi Arabia for a period of rehabilitation, he rejoined al-Qaida and assumed a leadership role in the planning and execution of terrorist acts. With this knowledge, can we be serious that we would abandon the security of Guantanamo Bay for an alternative of foreign transfers that could pose harm to ourselves and our allies, and especially to our young men and women serving right now in the military in the Middle East?

Without a viable option—and I do not consider it viable to let them go, because we have a history of what happened with that, nor do I think it is a viable option to transfer them to a prison in the United States until we know how we are going to secure that prison from any visitors, any capability of getting cell phones or, worse yet, weapons, so that we can assure there will not be plots from an American prison to kill Americans who are innocent anywhere in our country. Unless we have a viable option, I urge the President not to set a deadline for closing Guantanamo Bay until the American people are assured that there is a safe place for them to go. I believe the safest place for them is right where they are. Guantanamo Bay is secure. There have been no escapes from Guantanamo Bay, and they are getting treated very well. I have witnessed that, and many others of my colleagues who have taken the time to visit know they are being treated well. In many cases they are getting better care than they have had in their lifetimes.

I implore the President to change this order. Let's have a plan before we release these people out into the world to plot against Americans or bring them onto our soil before we know that we have a safe, secure environment, and where communities are willing, able, and encouraging that they be there in their midst.

Madam President, thank you. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I appreciate what the Senator from Texas has been saying. This issue of what to do with the Guantanamo Bay detainees is a central issue for the Nation and the overall war on terror, because the President is looking for partners. He keeps saying that. I stand ready to be a partner. The best-run jail in the world where they are now is Guantanamo Bay. I have been there many times. The men and women who are working in that prison are doing an outstanding job. They follow the rules. It is a model military prison. It is tough duty. What they go through every day you probably don't realize, and we can't tell you at all, but it is tough duty. Anyone serving down there is doing the country a great service.

Having said that, I understand the need to change the image of the country. I have been one of the Republicans—a military lawyer for 25 years—who understands the way we conduct this war determines whether we will win it. The high ground in military operations is usually a physical location. When you are in a battle or a war, you try to get the high ground, because that is the best place to fight the enemy from. In this war, it is an ideological struggle, so the high ground is the moral high ground. It does matter what we do.

My goal for America is to be the best we can be. Our enemies—al-Qaida and other groups—are some of the most barbaric people in the history of the world. But here is what it comes down to. When we capture one of them, it becomes about us. They will cut people's heads off in the most brutal fashion, abuse and humiliate people. They don't give trials. They are not reasoned. They are barbarians. The fact that we choose a different way is not a weakness, it is a strength. Trust me, if we are going to lead the world to a better way, we need to show the world a better way. And there is a better way.

In World War II, we had thousands—350,000, I think—of German and Japanese prisoners housed in the United States, Nazis and Japanese prisoners committed to our destruction. We held them here under our value system, under the Geneva Conventions, in communities all over America. The Nazis and the Japanese were a tough crowd. When those prisoners were released, those who were released, they went back to their country with a view of America that helped us form the modern Japan and Germany.

Some of the people we are talking about at Guantanamo Bay are subject to war crimes trials. So I am urging the President to leave on the table the military commission option. We can reform it, but let's not criminalize this war. They are not accused of robbing a liquor store. These are not common criminals.

Under domestic criminal law, you cannot hold someone forever without a trial, nor should you. But under the law of armed conflict, if you catch a member of the enemy force, you can keep them off the battlefield as long as they present a danger. That has been military law forever.

I believe we would be better off if we look at the people who are members of al-Qaida at Guantanamo Bay as enemy combatants, part of an unorganized militia, military organization bent on our destruction, and they are a part of the enemy force, not some common criminal. We can keep them off the battlefield as long as necessary, but we have to do it within our value system.

I am urging the President that if someone at Guantanamo Bay is subject to a war crimes trial, let's don't go to Federal court, as we did with the blind sheik trial in the nineties, which was a disaster. Let's put them in a military tribunal and give them justice through the military legal system of which I have been a part for 25 years.

I can tell America one thing: The judges, the lawyers, and the jurors who wear the uniform of the United States are the best among us. These are the same people who administer justice to our own troops. It is a great place to conduct a trial because we can do things for national security in a military setting that we cannot do in Federal court. But I can assure you, justice will be rendered and people will be treated fairly. The courts-martial we have had, the commission trials we have had at Guantanamo Bay, we have seen sentences that make sense.

I have been a part of the military all my adult life. The jurors take their responsibilities extremely seriously. They hold the Government to their burden of proof. And the judges and the lawyers are outstanding.

There will be a group of people who will not be subject to war crimes trials because of the nature of the evidence, because of the unique relationship we may have between the evidence and an ally, that we are not going to subject that evidence to a beyond-a-reasonable-doubt standard, but we know with certainty, beyond a preponderance of the evidence, that this person is a member of a terrorist organization and is engaged in dangerous activities and likely to do that in the future.

What I am arguing to the administration, proposing to them, is those people we think are too dangerous to let go, let's create a national security court made up of Federal judges, somebody out of the military, who will look over the military shoulder and see if the evidence warrants an enemy combatant designation. That way, we will have an independent judiciary validating the fact that the person in custody is part of an enemy force, a danger to this country, and then have a periodic review of that person's status so they are not left in legal limbo. They will have a chance every year to make their case anew.

We have to realize that we have released more people from Guantanamo Bay than we have in detention and we have put people in Guantanamo Bay who were there by mistake. That is a fact. We threw the net too large. That happened.

Let me tell you what else has happened. Mr. President, 1 in 10 we let go has gone back to the fight. The No. 2 al-Qaida operative in Somalia was a detainee at Guantanamo Bay. We had a suicide bomber in Iraq blow himself up who was at Guantanamo Bay. We are going to make mistakes, but I want a process to limit those mistakes as much as possible.

I end with this thought. How we do this is important. We can close Guantanamo Bay and repair our image, but we have to have a legal system that has robust due process, that is transparent, that is independent, but recognizes we are at war. And that takes us to the Uyghurs.

There is a group of people in our custody whom we caught in Afghanistan who are part of a separatist movement in China. They are Muslims. They were training in Afghanistan to go back to China to take on the Chinese Government. They have been determined to no longer be enemy combatants in terms of a threat from the al-Qaida perspective, but what to do with the Uyghurs.

One thing I suggest to the President is that you cannot change immigration law. Our laws prevent a known terrorist from being released in our country. These people have engaged in terrorist activities. Their goal was to go back to China, not to come here. But there are press reports that one of the Uyghurs was allowed to look at TV and saw a woman not properly clothed and destroyed the television. We have to make sure that, one, we follow our own laws, and the fact they were going to go back to China does not mean they are safe to release here because they have been radicalized.

We have to make some hard decisions as a nation. I stand ready with the President and my Democratic colleagues to close Guantanamo Bay, but we do need a plan. We need a legal system of which we can be proud that will protect us.

The final comment is that the idea of releasing more photos showing detainee abuse is not in our national interest. We have men and women serving overseas. It will inflame the populations. It will be used by our enemies. I urge the administration to take that case all the way to the Supreme Court and protect our troops in the field.

I understand the President's dilemma and challenge. Harsh interrogation techniques have hurt this country more than they have helped. We can be a nation that abides by the Geneva Conventions, rule of law—we have been that way for a long time—and still defend ourselves. I agree with the President there. But I do believe we need a detainee policy that understands that the people we are talking about are not run-of-the-mill criminals. They are committed terrorists, and I don't say that lightly. The only way that label should stick under the system I am proposing is if an independent judiciary validates that decision. That is the best we can do.

This decision we are going to make as a nation is important. I tried to speak my mind and be balanced. There is a way for us to work together to get this right. I look forward to working with the administration to make some of the most difficult decisions in American history. I am confident we can do it if we work together.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 896, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 896) to prevent mortgage foreclosures and enhance mortgage credit availability.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois, Mr. DURBIN, is recognized to offer an amendment on which there will be 4 hours of debate equally divided.

AMENDMENT NO. 1014

(Purpose: To prevent mortgage foreclosures and preserve home values)

Mr. DURBIN. Madam President, I have an amendment at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. DODD, Mr. REID, Mr. SCHUMER, Mr. WHITEHOUSE, and Mr. HARKIN, proposes an amendment numbered 1014.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DURBIN. Madam President, America is facing a crisis, and this is what it looks like: Two buildings next to one another, one a well-kept home; next door, a foreclosed property, boarded up, vacant, vandalized. Sadly, this is a crisis which is affecting every community in America. I have seen it in the streets of Chicago. I have seen it in suburban towns. I have seen it in my downstate communities.

Madam President, 8.1 million homes are facing foreclosure in America today. That isn't my estimate, it is the estimate of Moody's. They are supposed to be good predictors of our economy. What does 8.1 million foreclosed homes represent? One out of every six home mortgages in America in foreclosure—one out of every six. It is a reality. It is a reality that affects the five out of six, our homes where we continue to make our mortgage payments and wonder what the problem is. Why is the value of my home going down? I am making the payments. It is going down because, sadly, somewhere on your block is another home in foreclosure, boarded up, an eyesore at best, a haven for criminal activity at worst—a reality that continues to grow.

Two years ago, before we even started in on this crisis as we know it, I proposed a change in the bankruptcy law, a change which I think could have forestalled this crisis we know today. Along the way, there has been resistance to this change. By whom? The banks that brought us this crisis in America have resisted this change to do something about mortgage foreclosure. That is a fact.

Last year, I offered this amendment to change the bankruptcy law, and the banking community said: Totally unnecessary; we don't need this kind of a change. This mortgage foreclosure is not going to be all that bad.

In fact, the estimates were of only 2 million homes in foreclosure last year from our friends in the banking community, the so-called experts. Here we are a year later. The estimate is now up to 8 million homes in foreclosure.

Who are these people facing foreclosure? Were they speculators and investors who were buying up properties and they thought that maybe they would double in value and they could quickly sell them? There may be a handful of those folks out there. By and large, they are families—families who are trying to keep it together,

under a roof, the most important asset they own, their home, trying to make payments when they discovered that the mortgage that was peddled to them by the same banking industry and mortgage banking industry turned out to be a fraud on its face.

We remember the heyday of all this activity. They would tell people: Come on in. Call this 800 number. We can let you finance and refinance. We have a deal for you.

People would show up at these mortgage brokers, and they would say: How much money do you make?

The guy would say: So many thousand dollars.

They would say: Oh, you are perfect. We have just the mortgage that will put you in this home, keep you in this home, or let you borrow money on this home.

The person would say: Do you need some proof? Do you need some documentation?

No, no, no, your word is good enough. No-doc mortgages.

In no time at all, they would be sitting at a closing. I have been to quite a few of them myself as a lawyer and buying a few properties in my own life. They give them a stack of papers—you know what I am talking about, a stack of papers—and they would turn the corners and say: Just keep signing it. Sign it.

What is it?

Oh, government forms, standard boilerplate. I could read it to you, but we want to get out of here in the next half hour. Keep signing, you keep signing.

At the end of the day, they say: In 60 days, first payment. You are going to love this place.

Out the door, and in comes another couple. That is what it was all about.

Then what happened 12 months later, 2 years later? That mystery mortgage kind of exploded in their face. All of a sudden, they were facing terms in that mortgage that were absolutely incomprehensible and unsustainable. They could not make the payments on it. The interest rates were going up too high. They called them subprime mortgages. That was the initial onslaught of this housing crisis in America. But then it grew into a lot of other mortgages too.

I told the story before—and it is worth repeating—of the flight attendant I met on a United flight flying from Washington to Chicago. After she did her chores on the plane and there was a quiet moment, she came and knelt down in the aisle next to me.

Senator, I have a problem. I am a single mom with three kids. I live out in the suburbs. I have worked for this airline for 20 years. I have been a good employee, always show up for work. I take it seriously. I have my little home out there, but I have a problem. My interest rate on my mortgage is too high. I need to take advantage of lower interest rates that are now available. If I can get down to a lower interest rate, a lower monthly payment, I can keep my home. But if I don't, I am going to lose it. I can't make ends meet. I can't keep it together. What am I supposed to do? They say I am underwater?

Do you know what that means? The value of your home is less than the mortgage principal today. It has happened to a lot of people.

Do you know what I told her: Sadly, I don't have an answer for you. If that bank will not bring you in, sit you down at a desk, and renegotiate the terms of that mortgage, you are about to go through the most painful, torturous path in your life. You are forced into default on your mortgage, you cannot make the payments, you become delinquent, receive the notice of foreclosure, and then it just goes from bad to worse.

Madam President, 8 million American stories, 8 million foreclosures. What we are offering today is the only proposal before the Senate which gives us a chance to do something about this crisis. It is the only thing that can change the dynamic which continues to eat at the heart of our economy which adds foreclosure upon foreclosure and completely paralyzes the housing industry in America. That is at the heart of this recession. That was the canary in the coal mine. That is what triggered where we are today, and it is still there and getting worse.

I sat down 2 years ago with the banking industry and said to them: We have to do something.

I can recall conversations with Henry Paulson from Wall Street, Secretary of the Treasury under President George W. Bush, where I said to Mr. Paulson: I know you wanted to save the banks, but how about saving the homeowners? What are we going to do about the mortgage foreclosure? Well, we will get to that later; or, it is not a problem. He kept putting me off and putting me off. He put me off, but he didn't put off the crisis.

Why is it in this country, in America, that we can find hundreds of billions of taxpayers' dollars from hard-working people all over the United States to come to the rescue of bad banking decisions, rotten investments, mortgages that were fraudulent on their face, but can't summon the political will to do something about 8 million families in America who are going to face foreclosure? That is where we are.

When I sat down with the banks, I said: I will work with you. Let us find a reasonable way so we can bring people to the table—such as that flight attendant—and find a way to work it through. Because at the end of the day, a foreclosure isn't good for anyone. A family loses their home, a neighborhood is ravaged by vacant property, the people next door lose the value of their home, the bank spends $50,000, at a minimum, for expenses in a foreclosure, and then 99 percent of these boarded-up buildings, these foreclosed homes, are the property of a bank. How much time is that bank spending on that property? How much worry do they have about the value of the neighbor's home? The answer is none. Banks aren't in the business of putting in windows and establishing security and cutting the grass and making the property look good. They move money around. But now they are becoming property owners of the most blighted properties in America.

Some banks are walking away from it, incidentally. The banks are walking away from the foreclosed property. I sat down with them and said: How can this be good for a bank? How can this be good for a family? How can this be good for the Nation? Let's sit down and work together. But I come today to the floor to tell you that despite months and months of heroic effort by my staff—Brad McConnell, who is here and who has worked tirelessly on this issue—and my own efforts to reach out to the banking community, only one bank is supporting this amendment to do something about foreclosure in America—one bank: Citigroup.

I can't tell you how many of these bankers have walked away. The American Bankers Association has been terrible—terrible. They will not even participate in a negotiation on dealing with this foreclosure crisis. The Community Bankers of America, a group I have respected over the years because they are closer to the people; they are the hometown banks—have walked away as well. They are not interested in this conversation, they say. The credit unions? Well, I will give them some credit. They did try. But in the end, they walked away as well. The big banks—JPMorgan Chase, you see them all over the United States—they were at the table until last week and then decided: No, we are going to walk away too. We are not interested in this conversation. Wells Fargo, Bank of America, and the list goes on and on.

If any of these names sound familiar, it is because they are surviving today due to taxpayer dollars. And you know what they say about these poor people who have lost their homes? It was a bad business judgment and people have to pay for their bad business judgments. Really? How many of these bankers paid for their bad business judgments, with their multimillion dollar bonuses, with the rescues we have provided from American taxpayers—hard-earned tax dollars sent their way? The fact is we have been kind to these bankers who have brought us into this crisis. Yet they are literally shunning and stiff-arming the people who are facing foreclosure. These banks that are too big to fail say that 8 million Americans facing foreclosure are too little to count in our political process, and they have walked out the door.

Well, I want to tell you, this amendment I am offering can save the homes of 1.7 million families. I wish we could save more, but the fact is we have this opportunity before us, and I think it is something we shouldn't ignore and we

should support. Some Members of the Senate voted against my amendment a year ago. I understand that. I heard them. They said: You have to sit with the banks and see if you can work something out. Well, we did, until they walked away.

What we offer today is significantly different than what we offered a year ago. We literally give to the banks control over whether a family in foreclosure can go into bankruptcy. We say that anybody facing foreclosure—who is delinquent for at least 60 days on a home that is valued at no more than $729,000, with a mortgage that was written no later than 2008—has to show up at the bank at least 45 days before they file bankruptcy and present all the economic information, all the financial documents the bank would need for a mortgage—proof of income, indication of net worth. If the bank at that point offers them a renegotiated mortgage—a mortgage which will basically allow them to stay in the home, that reduces the borrower's mortgage debt-to-income ratio to 31 percent, which is the standard the administration is talking about, or offers hope for home refinancing—another program—and the person facing foreclosure does not take that offer, then that same family in foreclosure cannot use the bankruptcy court to rewrite the mortgage. So in other words, the banks ultimately have the key to the courthouse. If they make the offer and it is turned down, that is the end of the story.

What happens if they do not make the offer? Under this law, we would change the Bankruptcy Code as follows: Under the current bankruptcy law, if you are deep in debt and facing foreclosure, and you own several pieces of real estate—your home, a vacation condo in Florida, a vacation condo in Aspen, CO, and you are facing foreclosure on all three properties because of economic problems—you can walk into that bankruptcy court and the judge can say we will renegotiate the terms of the mortgage on the Aspen, CO, property—we will reduce the principal of the mortgage to the fair market value, the interest rate will be the current interest rate, we will add a little to it, and so forth and so on. The bankruptcy judge has that power for the Florida property and for the Colorado property. But the law prohibits the bankruptcy court from rewriting the terms of the mortgage of a person's home. Why? Why does that make any sense? If the bankruptcy court can rewrite the mortgage on your vacation condos, your farm, or your ranch, why can't they do it for your home? That is what this bill does. It gives the bankruptcy court that power. And in creating that power, it says to the bankers: Get serious.

The voluntary plans we have had for refinancing mortgages in foreclosure across America have been an abject failure. We have to have an opportunity here for the bankruptcy court to step in and make a difference, and that is what we are trying to achieve with this.

I know my colleague, the Senator from California, is here on the floor, and I will yield to her in a moment. I have to leave the Chamber myself. But that is what we are proposing today. It is an amendment which we have worked on long and hard. It is an amendment which I think should be looked at in honest terms. My goal is not to put more people in bankruptcy court. My goal is to avoid it. Put them at the table with the banker at least 45 days in advance, avoid the bankruptcy court, avoid the foreclosure, avoid the boarded-up and burned-out building that happens to be right next door to the home you have worked so hard to keep and to maintain.

The Mortgage Bankers Association has claimed, in front of the Senate Judiciary Committee, that this is going to add cost to everybody's mortgage if in fact some people can turn to bankruptcy court. Let me first say that future borrowers aren't even eligible for this bankruptcy assistance. It ends as of January 1, 2009. Future mortgages, future foreclosures aren't even affected by it. It has an ending date.

We also have a quote—and I don't have time to read in detail here—from Adam Levitin, who has analyzed this and says the argument that interest rates will go up because of this provision is plain wrong.

Secondly, they argue that changing the Bankruptcy Code will cause uncertainty in the market. The American Bankers Association says it will add risk. I will tell you this: If you want uncertainty in the market, keep the foreclosures coming, one after another. Let them hit your neighborhood. Uncertainty about your home and its value and whether you can sell it is the reality of what they will face.

They say bankruptcy judges shouldn't be allowed to break the sanctity of the contract. Before we argue about the sanctity of a no-doc mortgage, before we argue about some of the predatory lending practices that led to this mess, let me tell you that the bankruptcy court takes on contracts every single day. That is the nature of the bankruptcy court. To me, that is an argument which goes nowhere.

They argue that allowing borrowers to modify mortgages in bankruptcy would shield them from the consequences of poor decisions. They call it the ''moral hazard.'' In other words, take your medicine, America. You made a bad mortgage, you pay the price. That didn't apply when it came to bailing out these banks when we were asked for $700 billion to make up for the mistakes of these banks. Where is the moral hazard there, as they run off with their parachutes and their bonuses? I don't buy that argument whatsoever.

Finally, they argue that restricting this amendment to subprime and exotic loans is a better way to do it. Well, I can tell you, we know that isn't going to work. There are too many mortgages now in peril, way beyond the original subprime mortgages. And how do we explain to our constituents that we are providing special assistance to borrowers who took out a risky loan, such as a subprime, and ignoring those who have been trapped in other mortgages that create a disaster?

I am going to yield the floor to my colleague from California, and thank her for coming, and I want to tell you something: Her State has been hit harder than any other State. You ought to see what has happened in portions of California. She knows this issue personally, and I thank her, and I yield the floor to Senator BOXER.

The PRESIDING OFFICER (Mr. KAUFMAN). The Chair recognizes the Senator from California.

Mrs. BOXER. I thank the Chair, and before my colleague leaves the floor—and I have only 10 minutes, because of all the responsibilities we all have. I have to be somewhere in 15 minutes—I am here to stand with you, Senator DURBIN, in your courageous effort to stop thousands and thousands of homes from foreclosure and, frankly, to get to the bottom of this economic recession.

We know, because economists have told us, that the problems we are facing all start with the fact that we have had a collapse in the housing market. And, my friend, what you have done is you have taken on the special interests in a way that is very clear. I can only say that I hope when the votes are counted, the people who serve in the Senate do the right thing and support the Durbin amendment.

Mr. President, I stood on the floor of the Senate when we debated the Foreclosure Prevention Act a year ago—a year ago—and I described how hard the foreclosure crisis was hitting this Nation, in particular my State of California, the largest State in the Union. And as we know, what happens in California, good and bad, spreads throughout the country. They say when California sneezes, everybody else gets a cold. The truth is we are having great problems in California, starting with the housing crisis.

I am sorry to say that a year later, after I stood here and said this is a crisis we must address and must address in a far-reaching way, the situation is bad and, frankly, it could well get worse. If we turn our back on the Durbin amendment, it will surely get worse. Foreclosure filings were higher in 2007 than they were in 2006. They were higher still in 2008. And they are at a pace that is going to have them go even higher in 2009. One year ago, when I stood on this floor, we were expecting then 2 million homes to be lost to foreclosure over the course of the crisis. Now that number is expected to be over 8 million homes. If we turn our back on the Durbin amendment, what we are essentially saying is: Oh, the status quo is fine. It is all working out.

The Durbin amendment is a very moderate amendment. It basically says

if a bank and a borrower don't sit down and try to renegotiate a mortgage and reach an agreement on how they can restructure that mortgage so the borrower can stay in the home—and the restructuring is very clear; it should be about 31 percent of income—if that effort is not undertaken and the borrower files for bankruptcy, the judge can look at how to restructure that mortgage. I do not understand how anyone could vote no on this, except if they are dancing to the tune of the banks.

Let me say this: I work with the banks in my State. I respect them, when they are doing the right thing, when they are acting in the public interest, when they are lending to people who deserve to have those loans, when they are not redlining, when they are being fair. I support them wholeheartedly. Oftentimes they are very good neighbors and they donate to charities in the counties, in the communities, in the State of California. But when they are wrong, they are wrong. For them to not work with Senator DURBIN and to walk out of the room when he has modified his proposal in such a way that it is so reasonable? As Senator DURBIN has said: When someone goes into bankruptcy the judge can look at everything, all of their assets—their second homes, their furniture, their cars. But they are prohibited from looking at that first and, by the way, most important asset—the home residence. Why? Because banks over the years have said we do not want our books to look worse, we don't want to take any losses, and we are not willing to budge.

This is a crisis. All of the fallout in the financial sector comes down to the fact that there were entire new instruments created around the value of a home: derivatives, all kinds of paper, all kinds of insurance—all on top of a home. So when the home goes, it goes. The house of cards falls. That is what has happened and one of the reasons is these foreclosures. We can stop a lot of these foreclosures if we adopt the Durbin amendment.

My State is having a very hard time. We can see the number of seriously delinquent homes in my State going up here on this chart. This is 2008. All the way up here is over 8 percent and the actual foreclosures at over 4 percent. This is, in many ways, a virus that is spreading. What happens when a home is abandoned and no one cares about it because many times the banks let it go? Frankly, the mortgage is held by so many people that nobody makes sure the home is kept up, that the pool doesn't become a hazard in the community. We have pictures I showed the last time of a vacant pool being used by kids as a skateboard park. That was probably one of the better things that was happening in the neighborhood. Homes are being looted. The value of the next-door home goes down and the crisis continues to spread.

Look at what is happening in my State. One out of every 24 homes in Merced has filed for foreclosure. In Stockton, 1 out of 27. Riverside-San Bernardino, 1 out of 28. Modesto, 1 out of 29 homes.

When you go to these beautiful areas of my State, 1 out of 27 homes in Stockton has filed for foreclosure. In Bakersfield, 1 out of 37; Vallejo, 1 out of 37; Sacramento, 1 out of 47. It goes on and on and it is getting worse, and the Durbin amendment will help us. Why? These are just numbers. There are families in these homes, obviously. If they have a chance to restructure their mortgage, then they might well want to use the opportunity to do so in a bankruptcy court.

We all know that our home—those of us who have been fortunate enough to buy a home—in many cases is our biggest asset. When that home goes down in value, that is bad enough. But when we are in a mortgage that suddenly ticks up and we cannot afford to stay in our home and we suddenly lose our job and have to take a job that is a lower paying job, because of the ramifications that this is having on the economy, we are in trouble and our families are in trouble.

At the end of March, Californians experienced 363,891 foreclosures since 2007. Think about it, more than 300,000 of our families have experienced foreclosure since 2007. We had 6 of the top 10 and 13 of the top 20 metro areas with the worst foreclosure rates. Today we have another opportunity to help stem this crisis. If we miss this opportunity, it is our fault and we should be judged on this vote. That is how strongly I feel.

The bill before us makes changes to the HOPE for Homeowners Program, such as reducing fees and administrative requirements to make the program more attractive to lenders and borrowers. It provides a safe harbor against lawsuits to protect servicers who participate in the mortgage modification program. That is all good and it is helpful. But the one piece that is missing is the Durbin amendment, which would allow borrowers at risk of foreclosure to receive assistance from the bankruptcy court in restructuring their loans so they can keep their families in their homes.

I have met children who have said they cry themselves to sleep every night because they think they are going to lose their home, and their home is their castle.

For us to turn our back on the Durbin amendment for some rationale that, when stripped away, comes down to ''because the banks don't like it,'' would be a travesty of justice for these children.

I believe had Senator DURBIN's proposal been passed last year we would have saved hundreds of thousands of homes nationwide. It is as simple as that.

We are saving vacation homes. We are saving automobiles. We are saving all these other assets which a bankruptcy judge can in fact restructure. But the main thing we should be saving, the residential home, is not allowed to be brought up in bankruptcy unless we agree to the Durbin amendment.

I have to say, Senator DURBIN is a great negotiator. I have served with him in Congress since the 1980s and I know he listened to the bankers. I know he changed and modified his amendment consistent with what they said and consistent with President Obama's housing affordability plan. Again, the borrower cannot seek a modification through bankruptcy unless the borrower has gone to the lender and said let's negotiate. If that doesn't bear fruit, then they can bring it into the bankruptcy court.

President Obama's housing plan gives great incentives to lenders to make loan modifications. But his plan also included the contingency that a borrower could seek relief through bankruptcy if all else fails. This is a critical additional incentive to ensure that lenders and, frankly, borrowers do the right thing. It says a borrower and a lender must sit down and try to resolve the mortgage problem before the borrower can go to court. We believe, even with the changes that Senator DURBIN made, 1.7 million homeowners could have their homes saved.

Let's think about it—1.7 million homeowners. Almost 2 million homeowners. That is larger than the populations of some of our States. We can help 1.7 million homeowners.

We have allocated trillions of dollars to reduce the threat to the financial system posed by toxic assets. That was the hardest vote I had to make in my lifetime. It was hard. I lost sleep over that vote. But I was told by Ben Bernanke and Hank Paulson that the whole financial system could collapse around us, we would lose capitalism, we would lose our free market system, we would be in panic, and I voted yes to trillions of dollars, because I am very worried. I shouldn't say trillions—hundreds of billions.

How do we look ourselves in the mirror if we have voted billions, hundreds of billions of dollars to save the banks, even though we know some of them have taken advantage of that, and companies such as AIG have taken advantage of it, and they have given these huge bonuses to people who do not deserve them? We know what a nightmare that is. But how do we do that in the name of saving the financial system and turn our backs on homeowners, middle-class people who are suffering because of the fallout of these bad financial decisions?

If we bow to the banks on this amendment, I personally think it is a stain on this Senate, a stain that cannot be rubbed out. This is an amendment that is fair. This is an amendment that is modest. This is an amendment that has been negotiated. Senator DURBIN has done everything in his power to reach agreement. What remains is a very modest amendment.

I will close by again explaining it. The Durbin amendment basically says that when homeowners are in trouble and at risk of losing their home and going into bankruptcy, if those homeowners reach out to the lender and they sit down and try to renegotiate a package on those mortgage payments, if they do it in good faith but it doesn't work out, then and only then can a homeowner go to bankruptcy court and ask the judge to please help and restructure their mortgage.

That passes every test of fairness. That passes every test that you would say an amendment should pass: fairness, justice, pragmatic, listening to both sides.

I am here filled with hope that we can send a message today to the American people that we stand on the side of our families. Yes, we will work with the banks and try to get them to do the right thing. DICK DURBIN has done so. But if they are stubborn and they will not agree, and because they are stubborn and they will not agree, it means this housing crisis will continue to deteriorate, I have to say I am going to be very sad if this Durbin amendment does not pass.

This is the time to act. I said it a year ago. I predicted worse things would happen. I didn't do it out of whole cloth. We have the economists in our office, in our State, who see this. We need to act now or we will be back here in a year with the Durbin amendment. It will fly through here and people will say, and I predict: Gee, I was wrong.

Let's not go there. Let's do this. It is the right thing to do. It makes this bill strong and it does what the President intended when he originally sent us his housing rescue plan.

Mr. President, I want to say, although he is not on the floor, to our leader on this, DICK DURBIN, how much I respect him and admire him. I know the courage it takes to stand up to the special interests. He has done it in behalf of the families of Illinois and this great Nation. I hope he will prevail on this amendment.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I ask unanimous consent the time be equally divided on the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I now suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I rise today in strong support of the bankruptcy lifeline being offered by the senior Senator from Illinois. This bankruptcy lifeline is at the core of the housing bill passed by the House of Representatives and now under debate today in the Senate.

In the last few years, millions of families were led into unsustainable home mortgages that pushed our country into an unprecedented economic crisis. With the collapse of the housing market, many are trapped in mortgages with unbearable interest rates and principal significantly higher than market values.

No one wants to walk away from the home they purchased, with neighbors they like, a school their children are doing well in, a town they feel comfortable in, but many cannot afford to pay under the terms of the mortgage they currently hold.

I have already spoken on this floor about the need to ban deceptive practices in mortgage brokering, practices that steer unknowing customers into complicated and expensive mortgages. A ban on steering payments and prepayment penalties would go a long way toward ensuring that we do not get into this situation again.

But right now we are confronted with what to do about those who already put their life savings on the line to attain a slice of the American dream and who are on the verge of seeing that dream shattered.

Unfortunately, we are now in the midst of a recession—there is little prospect of housing prices returning to their bubble levels for many years, and almost 50,000 Americans are losing their homes every week to foreclosure. This is a sad and destructive phenomenon. Foreclosure tears apart neighborhoods and destroys family savings. It also has proven to have a devastating effect on our financial system.

In fact, subprime foreclosures are, as we all know, the primary reason our banks have been hemorrhaging money. The billions in write-downs our banks have taken and the billions of taxpayer monies our government has placed into them is due to the collapse of the housing market and the decline in the value of subprime—and now prime—residential mortgage-backed securities. All the TARP money in the world will do little for the banks unless and until we stabilize housing.

Fortunately, we have begun to get on the right path with housing. The Obama administration's Making Home Affordable plan takes a commonsense approach of lower a borrower's monthly payments. Similarly, the Hope for Homeowners Act, with a few fixes, has great potential to help. But neither plan has the ability to take on the major problem still outstanding in the housing market—underwater mortgages. Senator DURBIN's amendment before us today tackles the problem head-on.

What does this amendment do? In practice, its main use will be to force loan servicers to sit down and genuinely negotiate a reasonable mortgage adjustment. My office gets calls every day from constituents in Oregon who can't get a response from their lender or loan servicer. One constituent called her bank 13 times and never was able to talk to the right person. Sadly, she, like so many others, ultimately lost her home.

The Obama plan will improve the situation by offering a number of carrots to lenders and servicers. But we also need to hold out the possibility, when servicers don't respond, of providing a lifeline opportunity.

My colleagues are all familiar with the program ''Who Wants to be a Millionaire?'' When there is no ability to answer the question, there is a lifeline. In this case, when there is no ability to connect with the servicer to have a conversation about a win-win solution—a solution that is right for the homeowner because they are able to stay in their home, a solution that is right for the mortgage owner because the mortgage continues to be paid, albeit at somewhat lower rates—it is still right because the mortgage owner doesn't benefit from foreclosure if they only get 50 cents on the dollar. This is a win-win win because investors affected by the Federal financial circumstances find an improved situation when fewer homes go into foreclosure. It is a win for the community because we don't have an empty house on the block driving prices down further. We have an opportunity that is right for the community and for the mortgage owner and for the homeowner and for the economy. That opportunity is before us today in this amendment.

Certainly, even with adoption of this amendment, some families will need to enter bankruptcy, which is not an outcome we desire for any family but one that some may have to consider. Remember that this bankruptcy power is not extraordinary. A Federal bankruptcy judge already has the power to modify debt on a vacation home, an investment property, a credit card, a car loan, even a yacht. Why can't the court make any modification to a family's primary assets, the important piece of the American dream known as home ownership? I can think of no good reason.

Some have argued that allowing judicial modification to mortgages on a primary residence could increase interest rates on future home loans, perhaps by as much as 2 percent. But does this stand up to examination? After the current bankruptcy court system was set up in the 1970s, some courts interpreted the Bankruptcy Code to give them authority over mortgages on primary residences. This divergence of practice went on until the early 1990s.

Thus, we have a living test case. Studies have been done examining the interest rates in both types of districts—those that allowed bankruptcy modification and those that did not—and found no difference in the interest rates. Even if they had, the amendment before us today would not present this problem because, in the course of conversation, in the course of working out an agreement, only loans originated before January 1, 2009, are eligible for bankruptcy modification, only existing loans, not loans going forward. This primary concern that has been raised has no merit.

Let me emphasize, again, that reductions in principal negotiated in bankruptcy court will be good for the banking system. Credit Suisse estimates that 9 million families may lose their homes in the next 4 years. Foreclosure is a disaster for the family. Large numbers of foreclosures destroy home values across neighborhoods. But from the lender's standpoint, foreclosure means they are likely to net only 50 or so cents on the dollar. In the case of any homeowner with a reliable income—and chapter 13 bankruptcy is only for people with a continuing source of income—it is much better for the lender if the homeowner remains in their home and makes a monthly payment, even if it is at a somewhat reduced rate, rather than turning the keys and putting the property into foreclosure.

A couple of additional points: This proposal will not cost the taxpayer one dollar, nor will it overwhelm the Federal bankruptcy courts. The same claims were made in 2005 prior to passage of the Bankruptcy Reform Act. But in fact, the courts have handled the increase in caseload quite successfully. My office has talked with bankruptcy judges, attorneys, academics across the country. All are confident that the court system can handle any increase in caseload that would result from this legislation.

This legislation is important to Oregon. It is important to the citizens in my State. According to data compiled by Moody's Economy and the Center for Responsible Lending, without this bankruptcy lifeline, over 15,000 families will lose their homes to foreclosure. I imagine the situation is quite similar in every State. The cost of these foreclosures has been magnified several times over, costing those citizens whose homes neighbor the foreclosed sites nearly $1.5 billion in equity. That is in Oregon alone. Will those neighbors then be underwater with their homes worth less than what they owe on their house, and how long will this cycle continue?

The bankruptcy lifeline amendment offers us a win-win solution. Forcing real mortgage modifications will keep Americans in their home, arrest the decline in property prices, and stabilize the balance sheets of banks.

I urge colleagues, in the strongest possible terms, to provide this win-win opportunity. We have done so much to help Wall Street. It is time to help working families across America, keeping them in their homes and stabilizing the financial system.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I compliment my colleague from Oregon on some excellent remarks. I thank him for being so steadfast in working toward this issue. He has spoken up many times at meetings and caucuses about it.

I rise in support of this amendment that would alter the Bankruptcy Code to allow bankruptcy judges to modify primary home mortgages. By now we are all familiar with the problems. Too many people borrowed too much money from too many banks that were too willing to lend. There is plenty of blame to go around. Now millions of American families are facing foreclosure over the next few years as a result of exotic mortgage products such as 2–28s, pay-option ARMs, and interest-only loans that disguise the full cost of home ownership. We have been pushing banks to do loan modifications for more than 2 years now and, frankly, we don't have much to show for it.

While I am optimistic the administration's plan will produce a significant improvement in modification efforts, it is also certain there will be intransigent servicers and investors who will try to block the process, to squeeze every last cent out of a home, even if that means it is costly for their family, their community, and the country at large.

We have offered lenders and servicers plenty of carrots, but it is unfortunately clear we also need a stick. The reason the programs in the past have largely not worked is it was just carrots and no stick. We need both. That is what the legislation gives us, leverage to push servicers, lenders, and investors to act in the best interests of the economy as a whole.

This amendment to the bankruptcy law is so important because of the changes the mortgage industry has undergone in the past few decades. It used to be that when one wanted a mortgage, they would go to their local bank where they would lend the money and collect payments for 30 years. That meant if one ran into trouble, they had a familiar friendly face to turn to, someone who knew them and their family and who had an interest in helping work out the mortgage payments so they could stay in the home. It also meant the bank had an interest; one entity had an interest in the whole mortgage. It wasn't chopped up in so many pieces. That is what has happened.

Over the past two decades, with the growth of securitization, it has all changed because the mortgage has been divided into pieces, sold off to investors around the world. They are often difficult to identify and impossible to contact. Their primary concern is squeezing every last cent out of the mortgage loan, whatever the impact on families, on homeowners. That means if the best outcome for even one of those investors is foreclosure, a homeowner is not likely to get the help he or she needs to stay in their home.

One other point that is vital: It may be that there are 40 investors who each have a piece of the mortgage. It may be that 39 of them have an interest in a loan modification. But if that one intransigent investor, who probably got the highest rate of interest because he or she took the most risk, says no, the whole process comes to a halt—not only bad for the poor homeowner but bad for the other 39 investors. It is bad, most of all, for the economy as a whole. It is not that one intransigent investor might say: Look, I will lose all my money if there is a loan modification. If I sit and wait for 5 years, then maybe housing prices will come up to where they should be and I will get my money back. In the meanwhile, the economy goes down the drain for everyone, because the more foreclosures there are, the lower housing prices get. The lower housing prices get, the less likely banks are to lend. The less likely banks are to lend, the less money is in the economy. The recession gets worse and worse and worse.

It is not only a problem for the homeowner when there is an intransigent bondholder who will not yield; it is a problem for the other investors who will lose money in foreclosure.

It is a problem for the neighbors of the homeowner whose property values are going to decline and for the country as a whole since our housing markets are already inundated by a glut of unsold homes, driving down home prices and destabilizing the financial sector.

How do you get that intransigent bondholder to the table? Well, there is a contract. We cannot break a contract by law. But the one place in the U.S. Constitution where a contract can be modified is bankruptcy court. Bankruptcy courts are the only constitutional way to overcome the securitization contracts and restore some power to the homeowner himself or herself.

Moody's Economy.com estimates without this amendment 1.7 million loan modifications that would have happened will not occur. These figures show that 1.25 million homeowners whose servicers are unwilling or unable to help them will not have the protection of the bankruptcy courts, and almost half a million homeowners who would have gotten modification offers will not because servicers or investors will calculate that a foreclosure is worth more to them than a modification.

The proposal is the result of weeks and weeks of talks that never yielded compromise that we hoped for. I see my colleague from the State of Illinois, Senator DURBIN, in the Chamber, who worked so long and so hard on this

issue and deserves all of our thanks. He was in the middle of trying to get this done. Senator DODD and myself tried to help but to no avail. It is clear that parts of the mortgage industry were never interested in meeting us halfway. As the negotiations went forward, they moved the goalposts back and back and back. And when concessions were made that were well beyond what anyone thought, they walked away because they never wanted to deal.

Hindsight is wonderful. It is unclear if those who entered the discussion—at least some of them—ever entered in good faith. But the industry stakeholders, who obviously have the most to lose, ought not hold total sway. Just because they walked away from the table does not mean we cannot vote our conscience on a proposal that would help preserve the American dream for millions of families and get our economy going again.

What makes me so eager for this proposal to pass, and why I worked long and hard, is that as much as I want to help individual homeowners—and, believe me, I do—our economy is at risk. Millions who might rent or have paid their mortgage could lose their jobs, and it all comes down to this proposal. Because if we decrease foreclosures, we will find a floor to the home market, which will then allow banks to lend, which will then get our economy going. It is like the knee bone; to the thigh bone; to the hip bone. Foreclosures are connected to the housing market; the housing market is connected to the health of banks; the health of banks is connected to the economy.

So when President Obama announced his foreclosure prevention plan, it included lots of lucrative incentives to lure banks to participate, but it called for some tough medicine: this bankruptcy proposal. And both are needed. We need carrots and sticks. The President's housing plan will not be as effective if parts of it are sacrificed for political expediency. Loan servicers should not get to accept the parts of the President's plan they like and reject others. That was never the deal.

To reject this proposal is to provide only sweeteners and no stick to get banks, servicers, and investors to modify troubled loans. The bottom line is fewer homes will be saved for American families. The defeat of this amendment would be a sad day for homeowners, for the housing market, for financial institutions, and for the overall economy. Allowing that to happen is unconscionable.

I urge my colleagues to adopt this amendment. We have an opportunity to make a major dent in the housing crisis and prevent further declines in home prices.

Let's understand, once again, the housing crisis remains at the core of our economic problems. As long as home prices continue to decline—and without this legislation they are far more likely to—our economy remains at grave risk of further contraction. We cannot let this opportunity slip by.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I rise today because I believe the Durbin amendment we are considering today is more than a tool for solving America's current economic problems, it is the right thing to do for millions of American homeowners.

Like many of you, I had the opportunity recently to spend 2 weeks with my constituents talking with people at townhalls and community get-togethers around New Mexico. I heard one message over and over. My constituents feel that too often America has one set of rules for the rich and powerful and a different set for working families.

Wall Street can fail and still make millions. On Main Street, even people who work hard get dragged down. Irresponsible lenders thrive while credulous borrowers lose their homes. Everywhere you look, you see middle-class Americans paying for other people's mistakes. It does not seem fair.

Of course, the law rarely contains an explicit double standard. But today we are dealing with a situation in which it does.

If a real estate speculator borrows millions to buy a city block and then finds himself unable to pay, he can walk into court and ask the judge to reduce the principal on his loan.

If a working mother borrows $30,000 to buy that first home for her children, she is stuck with that loan. If she has lost her job, she is stuck with that loan. If the value of her house has plummeted, she is stuck with that loan. If she was the victim of predatory lending, she is stuck with that loan.

I have yet to hear a good reason why that working American should not have the same rights as every real estate speculator and vacation homeowner in this country. My constituents do not think that is fair. And you know they are right.

Sometimes you hear people defend unfair rules because they are good for the overall economy. They say that efficiency should be prized over equity. But that argument does not work here. By limiting judges' ability to reduce the principal on home loans, we are delaying the resolution of this country's mortgage crisis. Homeowners continue to struggle with loans they cannot pay, and the toxic assets based on those loans remain on the balance sheets of America's financial institutions.

Elizabeth Warren, the head of TARP'S Congressional Oversight Panel, has made the point very clearly. She says:

> The law recognizes everywhere the importance, in a financial crisis, of recognizing losses, taking the hit and moving on.

That is why she supports the mortgage modification provision we are considering today. When judges have the power to provide a fair resolution for banks and borrowers, we will be one step closer to recognizing those losses in our housing sector, taking the hit, and moving on. In other words, the Durbin amendment puts us one step closer to fixing the financial system. For this proposal's benefits will not be felt primarily on Wall Street. Credit Suisse estimates that as many as one in six mortgages in America will be lost to foreclosure in the next 4 years. Homeowners know what happens when a neighbor goes into foreclosure. The whole neighborhood takes a hit. Property values drop. Local governments face another drain on their resources. In some cases, the foreclosed property becomes a magnet for crime and an embarrassment to the community.

For most Americans, their home is their largest investment. The best way to protect this investment is to stop unnecessary foreclosures. In my home State of New Mexico, the Durbin amendment would protect an estimated 6,665 homes and almost $376 million in equity. Without spending a dime in Federal money, this Congress can make a significant contribution to stabilizing my State's housing market and keeping thousands of families in their homes. This is not a tough choice.

Opponents of this provision make two related arguments. First, they claim a mortgage modification provision will raise the cost of home loans. Congress has heard testimony about this issue, and the evidence suggests otherwise. I will not go too deeply into this right now, but I encourage you to look at the testimony before the House Judiciary Committee of Adam Levitin of Georgetown University Law Center. Professor Levitin is one of a chorus of academics who has poked holes in the arguments against mortgage modification.

Opponents of mortgage modification also argue that loan restructuring should be handled by bankers and borrowers—not judges. I could not agree more. Unfortunately, banks have so far been very reluctant to voluntarily restructure home loans despite a host of Federal incentives. A considerable body of evidence suggests that banks would actually do better if they were more willing to restructure loans. Foreclosure is bad for everybody, and bankruptcy is even worse.

Congress and the President have worked hard to encourage banks to modify home loans. We have handed out carrots like a farmer's market, and yet we still have a foreclosure crisis. It is time to give the homeowners a stick.

The Durbin amendment does not let every homeowner march into court and demand a principal reduction. Banks have the opportunity to work with homeowners on a reasonable compromise. As long as banks are willing to negotiate, they will not face a court-ordered principal reduction.

All this legislation says is that banks cannot ignore their borrowers. They cannot stand around while working families struggle with unpayable loans. That sounds fair to me.

The debate on this issue can get extremely complicated. But the final analysis is simple: The current system is unfair. It is bad for working families, and it is devastating for the American economy. The Durbin amendment is a step in the right direction. I hope you will join me in supporting it today.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank the Senators from Oregon and New Mexico, as well as the Senator from New York and the Senator from Connecticut, for speaking on behalf of my amendment.

I would like to make a unanimous consent request that has been cleared by the other side: that of the 4 hours that have been set aside for this debate, the last 30 minutes be preserved and equally divided between the two sides, with 15 minutes to a side; under the custom of the Senate, if we go into quorum calls, time is taken equally from both sides. We have actively spoken on this amendment on our side, and no one has appeared yet, though I think they will soon, on the other side.

So I ask unanimous consent that notwithstanding the usual tradition of quorum calls taking the remaining time, dividing it by half, that the last 30 minutes be insulated and protected from that, and it be allocated 15 minutes to a side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Madam President, let me, first of all, thank our colleague from Illinois for his tireless work on behalf of this idea. I joined him, along with Senator SCHUMER, early on in recommending a proposal like this.

History is always a good source to go to. Back in the spring of 1933—which is about as close an example we could probably find over the last 100 years that compares to the days we are in today. Of course, that was the height—or the beginning—of the Great Depression. In 1929, certainly, it all began.

After the election of 1932—during that now often repeated ''first 100 days'' of each administration—and that was the first 100 days ever talked about. It was the Roosevelt administration. The inauguration was in March of 1933. Inaugurations occurred in March in those days, not in January. So that 100 days ran from March until June. One of the first things the new administration did in the face of significant foreclosures across the country—and there were significant ones. They were major. Those days were, in many ways, far more difficult than the ones we are in.

These are bad days, obviously, with 10,000 homes a day going into foreclosure, with 20,000 people a day on average losing their jobs. Retirement accounts are evaporating. We have all heard about, read about, and know people that has occurred to.

But one of the things the new administration did in those days was to go out and actually purchase the home mortgages. The Federal Government actually did that. In order to stem the tide of foreclosures, the U.S. Government decided in those days that it would take over that responsibility. They did other things as well: put capital into banks to stop the runs that were occurring across the country—major steps. But in home foreclosures, they took the unprecedented step of trying to stem that tide, knowing how much damage foreclosures could cause, not only to families and neighborhoods and communities but also to the financial system.

Senator DURBIN is not advocating anything quite as revolutionary as the Government acquiring the mortgages of every home. While some have made that suggestion, he is not doing so. What he is suggesting is modifying the bankruptcy laws of our country for a limited amount of time, in a very narrow set of circumstances, to say: Where your primary residence is concerned—and for those who have not followed the debate, let me explain.

There is no restriction in a bankruptcy court for a bankruptcy judge to modify—or at least to negotiate—the modification of your mortgage if you have a vacation home or if you have a pleasure boat and have a mortgage on that. The bankruptcy judge can modify the mortgage on that beach house, that mountain cabin, that yacht you may have. That is perfectly legitimate under bankruptcy laws. What you are not allowed to do, if you are a bankruptcy judge, is to modify the mortgage on a principal residence.

I don't know if statistically what I am about to say is accurate. I suspect that most Americans who have a principal residence don't have vacation homes. I know some do, and that is perfectly legitimate. I am not arguing that you shouldn't have one. But explain to me, if someone will, the distinction on why a vacation home, a yacht, a mountain cabin—as nice as it is to have one—ought to be able to be subjected to a workout with the mortgage involved, and yet, for the person who only owns one home, as most do—you own one house—a bankruptcy judge is prohibited from engaging in a workout between the lender and the borrower on that principal place of residence. For the life of me, over the last number of months we have been involved in this debate and discussion, I have failed to hear an adequate explanation of why there is a distinction on a principal place of residence where a mortgage is involved and there is no hesitation, no restriction whatsoever, on whatever other number of homes you may have. Some have a lot more than two; some have three, four, and five. All of those can be subject to a workout, but not a principal place of residence. That is all we are trying to do here. Not forever, not looking back, not looking forward forever—Senator DURBIN's amendment says for a limited amount of time, under limited circumstances—under the total control of the lender, by the way, because if you turn down a workout as a borrower, then basically you lose the option of working it out.

It is so narrowly drawn under these circumstances that, for the life of me, I don't understand the objection. It is one of those moments where I try—when preparing for debate, we all ask: What is the other side going to argue? So I thought last night, I have to get ready for the other side. I tried thinking through what is the argument I would make if I believed this would somehow cause great harm to the economy, was going to flood our courts or was going to require hundreds more bankruptcy judges to deal with it. What is the argument I would make to my constituents and to the American people that we ought not allow a bankruptcy judge to sit down between the borrower and the lender and work out a financial arrangement that allows the borrower to stay in their home, the lender to be paid—at least getting something back—turning that property into a foreclosed, vacant property, contaminating the value of every other home in that neighborhood. What is the logic? For the life of me, I can't come up with that, and I have tried.

So I would urge my colleagues, as you are thinking about this and listening to these debates, why can't we do what the Senator from Illinois has suggested: For a limited amount of time, try this. It is not forever. It just might do what the authors have suggested, and I am proud to be one of them. It might just do what we failed to be able to achieve despite the efforts of all of my colleagues here.

As chairman of the Banking Committee, we have come up with all sorts of very complicated proposals to try to assist homeowners, and I regret to report that while I think these ideas have great merit and we have all tried hard, they have not been terribly successful, despite the good intentions of everyone to work it out. This is the one idea we have not yet tried to make a difference in the foreclosure crisis.

Before the Sun sets tonight, 10,000 families are going to potentially lose their homes, and that will be true tomorrow and the next day and the day after that. Just think about that. As we all go home tonight to our respective dwelling places here, 10,000 of our fellow citizens in this country will end up losing their homes. They have to come back and face their families. Imagine, if you will, if you were in that position, walking into that house tonight and facing your children and facing your family and saying: We can't make this happen financially. We are being pushed out of this house.

This body cannot, for a limited amount of time, under limited circumstances, try something that might make a difference in that family's condition? I hope, in these very difficult

days—if almost 100 years ago, 90 years ago, another body sitting here in the wake of economic circumstances that were as trying as they were could do something as unprecedented as the Government actually purchasing the mortgages, can we not now ask the Federal bankruptcy courts to sit down and try, for a limited amount of time, to make it possible for that family to stay in their home?

It may not work in every case. The Senator from Illinois has pointed out that of the potentially 8 million foreclosures, his bill may only affect 1.7 million of the 8 million, and for a lot of people, this won't even work, regretfully. But for 1.7 million, it might just make a difference to those families. The value of that—how do I put an economic value on that? What does it say to a family who can stay in a home they have bought, they watched the value decline—the mortgage probably exceeds the value of the home in many cases—but that sense of optimism and confidence, that family staying together during very difficult times?

If you are the next-door neighbor, you live down the block, what happens to the value of your home? We know what happens. In fact, that very day, the value of that home that is not in foreclosure and there is no threat of it, but your neighbor's home now declines by as much as $5,000, then, of course, that property and those other properties could fall into a similar situation. All of a sudden, what was otherwise a healthy neighborhood—people meeting their obligations, equity in their homes—all of a sudden, you watch a neighborhood begin to decline. Just imagine, if you would, you are in the market to buy a home and you are riding down that street and you see a couple of places you might be interested in buying but you see foreclosure notices up on two or three. How willing are you going to be to buy a home in a neighborhood where there are foreclosures? So there is a contagion effect, a ripple effect, beyond just the plight of that family, which ought to be enough motivation to try to make a difference, but if you are not impressed by that, think about that neighborhood and community.

In the city of Bridgeport, CT, in my State, there are over 5,000 homes in that city that are subprime mortgages in danger of going to foreclosure—5,000 homes in 1 city. I don't need to tell anyone in this body what that will mean to that community. The tax base gets lost, but far beyond the financial implications is what it does to the heart of a community, what it does to the heart of a neighborhood, what it does to the heart of a family.

So all we are asking for with the Durbin amendment is let's try this for a limited amount of time to see whether it will make a difference. Maybe it won't achieve the results we authors claim it will, but is it not worth a try to see if we can't bring that lender and that borrower together, to work something out so they can stay in that home? The lender gets paid. It seems to me that has to help.

I agree completely with my colleague from New York, Senator SCHUMER, who made the case, and did so simply. There is a direct connection here. If we are unable to get our housing situation stabilized, all of these other efforts we are making to get the financial system working are not going to succeed. At the root cause of this issue is the residential mortgage market. The failure of us to reach that bottom—to begin to see these values improve and people out purchasing homes will also be not only indicative of the direction we are heading in but also essential if we are going to recover.

Beyond the issue of housing and what happens to families, the very heart of the economic crisis, its roots, began in the housing market. I believe very strongly, as others do who are far more knowledgeable about macroeconomics than I will ever be, that our inability or unwillingness or failure to address the residential mortgage market will make it almost impossible for us to get the kind of recovery we are all seeking on the larger economic issues.

So I wish to commend my colleague from Illinois. He has worked tirelessly. He has brought together the financial institutions. I know many of them mean the very best. There is no ill will involved in this, I presume. I think there is a culture that goes back a long time which says that if a house is in foreclosure or about to go into it, get the family out, put it on the market, sell it to someone else, because the likelihood of that family redefaulting is pretty high. That may be true statistically, but it seems to me that in these circumstances, we are dealing with something very different, far more pernicious, far more widespread, with far greater implications. So even the best argument one might make that historically you do better in getting an economy back on its feet by allowing these properties to go into foreclosure, I think all of us recognize, with the numbers we are talking about here, that accepting that kind of conclusion could be disastrous, as it has proven to be.

I recall January and February of 2007. I became chairman of the Banking Committee for the first time in January of 2007. We had a couple of hearings on currency manipulation, I believe it was, in those days in January, but the first hearings I held in February of 2007 were on this issue. In the 110th Congress, I think we had 80, 82 hearings, and a third and a half were on this subject matter as we tried over and over again to get the industry to step up, to come up with various ideas that would mitigate the foreclosure problem.

I recall at the very first hearing we had a witness who was very knowledgeable about housing issues, and he testified that he thought there might be somewhere between 1.5 million and 2 million foreclosures. He was sort of ridiculed because these numbers were hyperbolic; this was an exaggeration of what would happen. In fact, the critics were correct. It was. He was wrong. It wasn't 1.5 million or 2 million; it has now become 8 million. So those dire predictions in February 2007 have proven to be painfully off the mark because, in fact, the problem is a lot worse.

I believe very strongly that had we in 2007 been able to convince the previous administration to step up and engage this issue in 2007, and even a good part of 2008, we could have avoided what we went through last fall and are going through today as we try to get this economy back on its feet again. But there was tremendous resistance to doing anything despite countless meetings we had, including with the financial institutions, where commitments were made in March and April of 2007 to actually sit down and engage in a workout with borrowers and lenders. None of that ever really happened at all. The numbers are embarrassingly small where workouts occurred, despite the efforts to achieve this without going through a legislative proposal.

Of course, the idea of modifying the bankruptcy laws was one that Senator DURBIN raised early on. We were unable to get it done. Today, we are trying one more time, in a far more constricted and narrow construct of this proposal, over a limited period of time, to affect as many people as possible.

This amendment would also preserve some $800 billion in home equity for neighbors, we are projecting. The list I have of just the properties that could be affected—in my own State, some 15,000 homes could be saved by the Durbin amendment. Looking down the list, the numbers are stunning. In California, I think the numbers I saw are 385,000 homes could be saved by the Durbin amendment. I see my friend from New Mexico is here, and there we are talking about over 6,000 homes would be affected in New Mexico. In the State of Oregon, it is like Connecticut. Over 15,000 homes would be affected, I say to my colleague from Oregon. In North Carolina, I am looking at 38,000 homes, it is projected, could actually be saved from foreclosure, the State of the Presiding Officer.

Madam President, I ask unanimous consent that this list be printed in the RECORD so Members can actually look down and see what a difference this amendment could make in their State.

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

HELPING FAMILIES SAVE THEIR HOMES ACT

DURBIN AMENDMENT STATE-BY-STATE IMPACT

By creating stronger incentives for the creation of voluntary mortgage modifications, the Durbin amendment to the Helping Families Save Their Homes Act would prevent 1.7 million mortgages from falling into foreclosure and would preserve over $300 billion in home equity for neighboring homeowners who have made each of their own mortgage

payments on time (according to estimates from Moody's Economy.com and the Center for Responsible Lending). Based on that estimate and the relative impact of the foreclosure crisis throughout the country, below are state-by-state estimates regarding how many families would save their homes under the Durbin amendment and how much equity would be preserved by neighboring homeowners.

State	Homes saved by the Durbin amendment	Home equity savings for neighbors of saved homes
Alabama	14,480	$287,273,000
Alaska	1,447	74,905,000
Arkansas	7,297	85,016,000
Arizona	63,415	6,732,666,000
California	385,039	121,033,183,000
Colorado	23,373	1,589,310,000
Connecticut	15,461	1,762,362,000
District of Columbia	2,726	2,822,811,000
Delaware	4,282	311,407,000
Florida	206,361	36,772,700,000
Georgia	59,197	1,247,655,000
Hawaii	7,293	3,655,706,000
Iowa	8,089	259,474,000
Idaho	7,342	238,286,000
Illinois	60,594	19,420,658,000
Indiana	27,960	589,237,000
Kansas	6,220	179,676,000
Kentucky	11,750	292,303,000
Louisiana	12,651	496,045,000
Massachusetts	37,330	9,264,833,000
Maryland	48,909	11,173,429,000
Maine	4,878	104,414,000
Michigan	52,884	2,581,196,000
Minnesota	25,001	1,515,320,000
Missouri	22,519	993,960,000
Mississippi	9,042	90,575,000
Montana	2,815	38,149,000
North Carolina	38,667	645,572,000
North Dakota	711	33,523,000
Nebraska	3,763	136,772,000
New Hampshire	5,812	169,863,000
New Jersey	44,585	15,149,105,000
New Mexico	6,411	375,826,000
Nevada	38,243	4,979,857,000
New York	70,808	37,296,477,000
Ohio	43,985	1,528,772,000
Oklahoma	9,322	210,114,000
Oregon	15,261	1,491,292,000
Pennsylvania	37,169	3,325,687,000
Puerto Rico	10,063	n/a
Rhode Island	6,665	1,482,129,000
South Carolina	17,011	298,754,000
South Dakota	1,504	30,513,000
Tennessee	25,208	564,744,000
Texas	82,302	2,798,084,000
Utah	10,988	685,958,000
Virginia	44,035	5,210,416,000
Vermont	1,466	15,138,000
Washington	27,176	3,397,336,000
Wisconsin	15,620	1,189,240,000
West Virginia	4,376	53,792,000
Wyoming	805	17,344,000
United States	1,690,308	304,697,753,000

Mr. DODD. I thank the Chair.

Again, I can't speak with absolute certainty. Maybe the numbers are a bit lower or higher. What if in my State it wasn't 15,000; what if it was 10,000? Frankly, 10,000 homes would be a lot, a lot of families in a lot of neighborhoods in an economy that would be vastly improved if 10,000 homes in my State could be saved from the terrible conclusion of foreclosure.

So we will consider this amendment in a couple of hours. We will vote up or down on it. Then we will go about our business on the housing bill that is before us. But as Senators think about how they are going to vote on this matter in a couple of hours, think about what it would mean tonight at 6 or 7 o'clock when another 10,000 of our fellow citizens find themselves in the serious condition of losing their homes.

What do you say to your children, your family, what it does to your neighborhood. Can we not take a chance and try an idea that colleagues have worked on for weeks now, not overnight—this is not a quickly drawn amendment; it does not consider the concerns of the lenders in the country—to bring this together and give this an effort, as we did last summer with the HOPE for Homeowners and last spring as well.

I urge my colleagues to give this an opportunity to work. In my office, we get about 30 or 40 letters every day from constituents waiting to know whether they can keep their homes. I suspect I am not terribly different in that regard from my colleagues—or the e-mails that arrive in our office in Hartford on a daily basis. In many cases, the answer is—and we hear this over and over. Ed Mann has been with me 30 years. Ed Mann does not engage in hyperbole. He is a quiet, serious man. What he hears day after day in our office is: I have tried to reach my lender. I have called and called and I can't get hold of anyone. Can I get any help? That is repeated over and over.

I say this respectfully, but I believe in this proposal, which I think will cause lenders and borrowers to get together to try and work these matters out, the lender controls everything under the Durbin amendment. They have total control of the process. It is not in the hands of the borrower; it is in the hands of the lender and, obviously, the proposal of a bankruptcy judge being able to engage.

I met with my Federal judges—district court judges, appeals and bankruptcy court judges. To a person, every one of them said: You ought to pass this.

These are people who work on this every day. These are serious appointees in the Bush administration, as well as the Clinton administration. Some go back further, in fact, to the Reagan administration. To a person, all of them said: Get this done. This makes sense. These are bankruptcy judges. They are not frightened of the caseload. They are not afraid of trying to bring people together to save home ownership. Our bankruptcy judges believe this is right.

The civil rights groups of this country believe this is right. A long list of people worked on this. But our principal debt of gratitude goes to the Senator from Illinois who has been tirelessly championing this concept and idea. Senator SCHUMER has worked very hard as well on this issue.

My hope is, in the next couple of hours, we might surprise the country and actually do something to keep people in their homes. What a great message tonight that would be, instead of walking through the door saying: I think we lost our home, saying: There is a chance we can keep our home, keep our family together, weather this storm, and come out of it stronger and better because the Government is not going to just sit back and allow nature to take its course and subject me and my family and my neighborhood to the vagaries of the foreclosure process. People are on my side fighting for me. We can do that today in a united, bipartisan fashion by allowing this simple idea to have a chance to succeed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, Senator DURBIN's amendment would allow bankruptcy judges to modify home mortgages in bankruptcy court by lowering the principal and interest rate on the loan or extending the term of the loan. The concept in the trade is known as cram-down. It would apply, in his amendment, to all borrowers who are 60 days or more delinquent on payments for loans that originated before January 1, 2009, and would set the maximum value of loans that qualify at $729,000. It is broader than the bill that was tabled in the Senate several months ago.

Senator DURBIN sincerely believes his amendment would help save homeowners who are at risk of losing their homes in foreclosure, and I respect that. But many experts believe the cram-down provision would have pernicious, unintended consequences on the mortgage market.

First, it would result in higher interest rates for all home mortgages, exactly what we do not want while we are trying to entice people back into the market. Interest rates on home loans are substantially lower now than other types of consumer loans because of the guarantees current law provides to lenders. If all else fails, the lender always has the right to take back the house for which it lent the money. If we eliminate this security for lenders and increase the risk inherent in making a home loan, then lenders will have to charge higher rates on interest for home loans to cover the risk. The net result of the amendment, in other words, will be higher interest rates for home loans and fewer Americans who will be able to afford to buy a house—not what we need to end the housing crisis.

While attempting to solve a specific problem for a particular group of people, we could end up exacerbating this situation for all the people who would want to refinance or to take out loans in the future.

As I said, experts agree and studies show cram-down will result in higher interest rates. That is why it is opposed by virtually all in the industry.

The Congressional Budget Office warned in January 2008 that cram-down could result in ''higher mortgage interest rates'' because lenders are forced to compensate for potential losses that will be levied upon them in bankruptcy court.

In hearings some years ago before the Senate Finance Committee, in 1999, Senator GRASSLEY asked Lawrence Summers, who now serves as President Obama's head of the National Economic Council, if '' . . . debt discharged in bankruptcy results in higher prices for goods and services as businesses have to offset the losses?'' Mr. Summers responded as follows:

The answer is—it's a complicated question, but certainly there's a strong tendency in

that direction and also towards higher interest rates for other borrowers who are going to pay back their debts.

In November 1986, Congress implemented a mortgage cram-down provision for family farmers under chapter 12 of the Bankruptcy Act—obviously, the same well-intended purpose here. According to a 1997 study, farmers faced a 25- to 100-basis point increase in the cost of farm real estate loans, as well as increased difficulty in obtaining financing as a result of the cram-down application. The current median value of a new home in the United States is $206,000. A 25- to 100-basis point increase for the $206,000 would increase the cost of the mortgage by over $47,000.

We are talking about substantial impacts as a result of this well-meaning provision that would, in fact, over the entire market be very bad.

Proponents of the bill argue it should be allowed because, after all, bankruptcy law already allows a version of this for vacation homes. Big difference. What proponents do not mention is that to qualify for cram-down on a vacation home mortgage, the debtor is required to pay off the entire amount of the secured claim within the 5-year length of the chapter 13 plan. The Durbin amendment, of course, does not include the requirement that the debtor must pay off the security claim within 5 years. He does not purport to treat cram-down on primary homes the same way the Bankruptcy Code treats them on secondary homes.

There is a third point with respect to this particular amendment. As I said, it is different from what we tabled before. It is a much broader amendment. It is not the sort of narrow, targeted approach to the problem some people like to characterize it as.

Unlike prior proposals, this bill is not limited to the high-risk or subprime loans or other nontraditional loans but allows cram-down for all loans. Let me repeat that. Unlike what we dealt with before in prior proposals, this cram-down amendment is not limited to high-risk or subprime loans or other nontraditional loans. It would allow cram-down for all loans. The only limitation, as I said, is that the loan had to originate before January 1, 2009, and the maximum amount—not much of a limitation—is $729,000, and the borrowers would have had to apply for relief under the Loan Modification Program. Other than that, there is no limitation, and as I said, it would apply to any kind of mortgage. This would, obviously, allow millions of borrowers to enter into bankruptcy and simply walk away from the debt owed on their homes.

I don't take this position lightly because my State is arguably the hardest, certainly one of the hardest hit by the foreclosure crisis. People in my State face this every day. I wish to help Arizonans stay in their homes. Every time I go home, which is virtually every weekend, I talk with people who are, in one way or another, related to the problem because so much of the business in Arizona has to do with home building and development and construction. So many people have had problems with their mortgages. As I said, many are being foreclosed. All the others, the foreclosures, of course, represent a relatively small percentage of the total of 100 percent of loans. Most of the people I talked with are upset because the value of their homes has declined so much, among other things, because of their homes being foreclosed upon. They wonder: When is the market going to hit bottom; when am I going to be able to sell my home for something similar to the equity I have in it.

Values from assessors have shown that values have decreased by some 50 percent in amount. It is in our best interest to see this mortgage market bounce back, to see people be able to buy homes again and, frankly, to sell homes at somewhere near a realistic price related to their real value. This is a good time to enter into the home market if you have the money to do it because prices are so low and interests are so low. But the problem with this bill is it will make the interest rates higher and, therefore, will make it more difficult for people to afford to get into a home, the net result being the recovery will be extended far beyond what it otherwise would be under normal circumstances.

In my home State of Arizona, people are wondering: Will it be 6 months, 1 year, 18 months? I guarantee whatever that amount is, it will be longer if this bill passes. It will be longer because interest rates will increase, people will not be able to sell their homes and, therefore, we will continue to have the problem we currently have.

There are other programs available. I mentioned one. There is the HOPE NOW Program, the HOPE for Homeowners Program, and the President's new $75 billion program that helps borrowers who are facing foreclosure to modify their loans and allow the so-called underwater borrowers to refinance into lower rate mortgages. These are the people whose home value is less than the amount owed on their mortgage.

There are programs available. All of us are talking to banks about working out loans with the people who face foreclosure. But a solution that may be well meaning but would have the unintended consequences this particular amendment has is not the answer. We should not simply grab onto something because it promises to provide some relief to some people, when the reality is that I think all the experts agree the interest rates would be increased, making it much more difficult for the 95 percent or so—I am not sure of the exact percentage—of the other people who would like to see this home mortgage crisis come to an end.

Bottom line: cram-down will not fix the recent downturn in the housing market but only prolong the recovery by increasing interest rates. Instead of encouraging homeowners at risk of foreclosure to file for bankruptcy, the Federal Government should continue to encourage lenders to work with owners to modify loans where it is economically viable for homeowners to remain in their homes. Obviously, not all homeowners are going to be eligible for loan modification. But the answer is not to incentivize bankruptcy by making it as the only means to save one's home.

I hope that when it comes time to vote against the Durbin amendment, we will recognize we have already tabled an amendment which was much more narrowly written and that this is an amendment which deserves to be defeated.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, we face a grave economic crisis, and it is our responsibility, our duty as representatives of the American people, to give them every tool they need to weather this economic storm.

There is much we have already done to help. Working with President Obama, we cut taxes for middle-class families—because in times like this, every little bit helps. We gave an extra $250 payment to seniors on Social Security and disabled veterans to help them make ends meet when their household budgets are stretched to the breaking point. Preserving jobs means preserving our families' livelihoods, so we are investing billions of dollars in new infrastructure to create and support jobs all across America.

Today, Madam President, we want to take on one piece of America's unfinished economic business. Many families in this country—too many—have found that making ends meet is impossible, and they are in the process of filing for bankruptcy. Four years ago, when Congress overhauled the Bankruptcy Code, our Republican colleagues suggested that those who file for bankruptcy had carelessly lived beyond their means and were trying to game the system—at best, irresponsible; at worst, engaged in fraud. But in the years since, we have seen that was not true.

Families don't enter bankruptcy casually to save a few dollars. Bankruptcy is a last resort for individuals and families on the brink of financial collapse. The vast majority of those who seek bankruptcy are struggling, working families. With the economy in its weakest condition in decades, bankruptcy filings are soaring. Tragically, the most common reason for bankruptcy has been health care costs—

compounding the heartbreak of illness or injury with the strain of financial distress—but a lost job or ruined pension can be just as devastating. And many families file for bankruptcy because the mortgages on their homes have gone through the roof and they simply can't afford them any longer.

Too many homeowners were coaxed into bad mortgages—with the promise that values would keep going up and up and up—in many cases, without even understanding the hazards built into the small print of the mortgages they assumed. Well, the bubble has burst, and now these homeowners are stuck with mortgages that are larger than the home itself is worth.

Ordinarily in a bankruptcy, judges can modify the terms of debts or obligations, including loans on vacation homes and on family farms. These modifications help prevent foreclosure and permit people to keep making payments on their reset loans. That is good because when a house is foreclosed, neighboring property values decline, tax collections decrease, and schools and communities suffer. Helping prevent foreclosures, as this amendment would do, will help rescue falling home prices and get the housing market back on track—and that will help all homeowners, not just those who are facing bankruptcy.

Under current law, Americans looking to bankruptcy to escape unbearable financial strains cannot modify the terms of the very contract most dear to any family facing bankruptcy—their principal residence, the place they call home, where they raise their children, where they know their neighbors, where they live their lives. They can face foreclosure, even homelessness. The neighborhood erodes, and a cascade of dire consequences ensues.

To remedy this, the distinguished Assistant Majority Leader, Senator DURBIN of Illinois, has offered an amendment that would temporarily, and with conditions, give primary residence mortgages the same treatment in bankruptcy as other types of secured debts. Like any secured creditor, the mortgage holder would be entitled to adequate protection of his or her property interest during the bankruptcy. The modification of the mortgage would be limited to a market rate and a term of no longer than 30 years.

Given the cost of foreclosures, which average $60,000 per incidence—setting aside the harm to the family of losing their home, or the neighborhood of having another shuttered, plywood-covered building on the block—it would seem that this amendment to the code would ultimately benefit all of the parties to the mortgage. But on this question, the big banks seem to be inured to suffering and deaf to common sense.

Despite requirements protecting banks that families give their lender 45 days' notice before filing for bankruptcy—that allow lenders to prevent forced modifications if they offer voluntary modifications as part of President Obama's Housing Affordability and Stability Plan; that sunsets the program at the end of 2012—the big banks are still opposed. They gorge on taxpayer funds and support, but they will not help these customers.

I would note this is not a problem with the small banks, the community banks that held their loans and work with their distressed customers in their community every day. This is a problem with the big banks that sold families' mortgages off in strips to investors far away, leaving the homeowner no one to talk to, no one who can make a decision about modifying the mortgage.

What is the homeowner supposed to do? Call an investor in Switzerland, in Japan? Ring up the hedge fund in New York that owns a strip of their mortgage and get them to all come together and agree on a workout? It is impossible.

When we allowed mortgage securitization, we created this hole, and we are obliged to fill it. Only a judge can cut through the nightmare of bureaucracy that a homeowner faces trying to sort through this mess. Securitized mortgages caused it, and there is only one practical way to clear it up, and that is the Durbin amendment.

I am very proud to have cosponsored this amendment, as well as the Helping Families Save their Homes in Bankruptcy Act, the bill on which this amendment is based. I thank my colleague from Illinois for his passionate and tireless work on this legislation. I share his belief that this is the most direct and effective way to mitigate the foreclosure crisis.

I also share Senator DURBIN's frustration that although he and others—Senator SCHUMER in particular—have worked tirelessly to negotiate in the interest of all parties, this powerful banking lobby has been greedy, stubborn, and unreasonable. It refuses to recognize the human problem that poor homeowners have when they have to try to reassemble a mortgage that got sold in strips around the world and try to get those people together to reach an agreement. It is asking ridiculous things of that family to expect them to handle that problem, and they have no other mechanism, except a court, which can settle it once, and quickly, for all.

I have been here only a short time, Madam President, but this is one of the most extreme examples I have seen of a special interest wielding its power for the special interest of a few against the general benefit of millions of homeowners and thousands of communities now being devastated by foreclosure.

Bear in mind that the big banks opposing this legislation can reset their own obligations in a receivership or bankruptcy, but what's fine for them is obviously too good for their long-suffering customers, who—uniquely—don't get the same rights for their home mortgage.

The scale of this is immense. Senator DURBIN's commonsense measure would help as many as 1.7 million American families stay in their homes and preserve $300 billion—nearly one-third of a trillion dollars—in home equity for the neighboring homeowners whose home values get knocked down when a bank will not negotiate with an owner and comes in and forecloses, hammers up the plywood over the windows, lets the lawn grow out, and often lets the property be looted. In my home State of Rhode Island alone, 6,600 homes and over $1.4 billion in home equity could be preserved.

Homeowners are up against an impossible situation. It was one that was created by the big banks and the investment world when they securitized these mortgages and spread them to the four winds. This is their only hope to redeem it, their only hope to have somebody sensible to talk to, and I urge my colleagues to support this amendment.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. CARPER. Mr. President, I rise with some reluctance today to oppose the amendment before us. The amendment is being offered to what I think is a very good bill. The provisions of the underlying bill are worthy of our full support. The notion that we are going to expand the ability of FHA and Rural Housing to modify loans is something I certainly support and I believe others should. The idea in the underlying legislation is that we should expand access to the HOPE for Homeowners Program, we should provide a safe harbor for servicers who otherwise would modify a loan. We have a situation, as the President may know, where we tried to encourage the modification of loans to help people who are in a bind to avoid foreclosure. We find out that among the parties who have to agree to the loan modification are the servicers, the people to whom we send mortgage payments. They have not been anxious to participate in modifying the mortgages because, first, they get no financial incentive upfront for doing the work and, second, if they do the work to modify the mortgage, they end up being sued by the investors who own these mortgage-backed securities around the world. That is not much incentive and, as a result, servicers have not done the work they need to do to help modifications take place.

Mr. President, I ask unanimous consent that my time count against the Republican time. I understand it has been cleared with our Republican friends.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. In any event, the underlying legislation addresses in a very satisfactory way an approach so that servicers will be more likely to participate in mortgage modifications.

Finally, the underlying legislation creates more enforcement tools for FHA to use to go after bad actors, bad lenders. That is all good stuff and we ought to support it, and I certainly do.

I am sorry to say I cannot support in its current form the so-called bankruptcy cram-down legislation offered by our friend from Illinois. A year or so ago we visited this issue. We had a vote on the floor about whether to bring a provision similar to this to the floor for debate. I did not vote to bring it to the floor for debate at that time. I was not sure if the issue was ripe and I didn't know that we were ready to do it.

My view has changed. I think it is an appropriate time and place for us to negotiate—to debate the issue of cram-down. I think it is unfortunate that we cannot offer an amendment, a second-degree amendment or perfecting amendments to the provision that has come to the floor. I understand things have been worked out by others here, maybe in our leadership, to bring the amendment to the floor without the opportunity to perfect it further. I think that is unfortunate, but it is what it is.

About a month or two ago I hosted, back in Delaware, a forum that was designed to introduce to the people of my State the most recent initiatives launched by the Obama administration to encourage the modification of home mortgages, to help people who are in danger of becoming in default and facing foreclosure of their homes. The administration has given us a couple of very good proposals. I think our earlier HOPE for Homeowners proposal that we adopted when I served on the Banking Committee last year was a very good proposal, but the problem was we couldn't get the servicers to cooperate and be part of it. I think we figured that out in the underlying bill today.

When I hosted my forum back in Delaware earlier this year, some of the participants were fearful of losing their homes, some were approaching foreclosure. They wanted to learn more about foreclosure. We had housing counselors there. It was a helpful forum for a lot of people.

One of the things I learned there was from one of the people who participated, a woman who is a bankruptcy lawyer. She came up to me and she said: You know, we are having a hard time in some cases getting financial institutions, the lenders, to take seriously the opportunity to modify mortgages. She said: I think they would take that opportunity more seriously if they knew at the end of the day, if they were not serious, they would face in a bankruptcy court the possibility that a bankruptcy judge will come in, lower interest rates, reduce principal and stretch out the time for repayment of these mortgages.

I thought she made a compelling case. I since then decided that maybe this is an issue we ought to bring to the floor. It does have value. This is the appropriate time. A lot of people are facing foreclosure, a lot of people are in foreclosures, and this could be a tool—not something that would be a first choice but maybe a last option. It could be the last option after whoever is the homeowner facing difficulty had gone through all the programs that are offered by the new administration and would then take advantage of whatever programs are offered by lenders—Countrywide and others.

The legislation before us today is an improvement over some earlier versions. There are a couple of problems I have with it. I want to mention those, if I could. One of the problems occurs when you have a situation where a person has asked a lender to modify a mortgage and the lender has agreed to do that and then in the next year or two the homeowner, who has actually gotten out of bankruptcy a better deal, turns around and sells their home at a profit. I believe the lender, having gone through the bankruptcy and the mark-down, if you will—that lender should be able to participate more fully than is envisioned in this underlying bill.

The House takes it a little differently. This amendment says the lender would appreciate, I think, maybe to the tune of 50 percent, 50–50 with respect to an appreciation in value following the bankruptcy. In the House they have a different approach. The first year the lender would get 90 percent of any appreciation, the second year 70 percent, third year 50 percent, and eventually phase out. I think that is a better approach.

I would like to have seen and encouraged that we consider more tightly constraining the period of years that would be covered; that is, from which mortgages would have been originated the number of years that might fall into this approach.

In the legislation before us, you can go all of the way back in time, whenever. There is no beginning date. The ending date is January of this year. And I think, whether it would happen to be a subprime mortgage, an Alt-A, almost any kind of mortgage would still be able to participate in a bankruptcy. That is a bit broad. At the very least, I would hope we would be able to come up with something that would say, we would end the period of eligibility maybe from 2002, 2003, to the end of 2007. That seems reasonable to me. We do not have that kind of constraint in this amendment.

If we could have fixed that provision, maybe moved the eligibility back from January 1 of this year to January 1 of a year ago, that would have certainly helped make it easier for me to support the amendment. The idea of giving the lender a better opportunity to participate in appreciation of the home that later on comes out of bankruptcy, a person comes out of bankruptcy and sells their home for a profit, I think the lender ought to be able to participate more fully than is envisioned here in this amendment.

I think it is unfortunate that we do not have a chance to perfect it further. I do not know that we will see this issue again. My hope is what the administration—the programs the administration has launched will have great effect, a lot of people will take advantage of them, that the mortgage modifications of the individual companies, the individual lenders will be more effective and be better utilized.

I hope the fixes we are providing for the HOPE for Homeowners Program, addressing some of the problems I have mentioned, I hope that helps too. If it does not, and we realize later on that there still needs to be this threat of a bankruptcy cram down at the end of the day, then let's revisit this issue. But I hope those of us who have maybe somewhat different views will have them be debated on the floor, and have an opportunity, if we are not fully comfortable with what comes to the floor, have an opportunity to amend and hopefully perfect it and make it better.

I am going to have to reluctantly oppose the amendment. I appreciate our friends from the other side yielding time on this issue for me.

I yield back.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION POLICY

Mr. ALEXANDER. Mr. President, I wish to make a few remarks about education, a subject that is important to virtually all of us.

When figuring out what to do about education, my suggestion to those in my party is that Republicans should ask, ''What would Lincoln do?''

During the first 16 months of his Presidency, Abraham Lincoln helped enact three of the most important and successful pieces of legislation in American history: the Homestead Act, the Morrill Acts that created the land-grant colleges and universities, and the Pacific Railroad Act.

What made these laws successful, according to Harvard Professor Bill Stuntz, in an April 6 article in The Weekly Standard, was that they ''did not depend on the complex judgments made by members of congress or government regulators. [They] were meant to confer opportunities, not to solve problems . . . the necessary elbow grease was supplied by the private citizens whose prospects Lincoln improved.''

These three laws helped American farmers create the world's most productive farmland and American universities produce the most educated workforce. The transcontinental railroad knitted together this sprawling Nation.

A later version of this same thinking produced the GI bill scholarships which followed veterans to the colleges of their choice at the end of World War II. Then came Pell grants and student loans which today follow two out of three students to the colleges of their choice.

Similarly $31 billion of Federal research money is handed out each year to universities. Almost all of it is peer reviewed and competitively granted, and not parceled out by legislators and regulators. All of this might be called the Lincoln approach to Federal Government involvement in education. Conferring opportunities.

Now, compare it to the command-and-control Rooseveltian model best exemplified by our kindergarten through the 12th grade system of education. In that system, students do not choose—they are told—where to go to school. Government money goes directly to institutions, not to students. Government and unions write rules handcuffing teachers and principals and other student leaders. And virtually no teacher is paid more for teaching well.

There is yet another approach. No Federal involvement at all. Some believe that. Leave education to the States or communities.

I suppose that over the last 30 years I have embraced all three of these points of view. Some may call that unprincipled, but I prefer to align myself with former Senator Everett Dirksen, who once said: ''I am a principled man, and flexibility is one of my principles.''

During my second year as Governor in 1980, I asked President Reagan to support what I called a grand swap, give the States all of kindergarten through the 12th grade, and the Federal Government would take all of Medicaid.

The President liked that. I liked it. But it did not go very far.

In 1984, I helped make Tennessee the first State to pay teachers more for teaching well. I encouraged school choice and created centers and chairs of excellence at universities. Despite this aggressive State action, I concluded at the end of my 8 years as Governor that K–12 education depended entirely upon parents, teachers, school leaders, and community. So I traveled to all 132 school districts in Tennessee, creating Better Schools Task Forces, and challenging them to create better schools.

As Education Secretary, I proposed America 2000, again emphasizing community responsibility for education, higher standards for States, and support for what we called then ''break the mold'' charter schools, and more choices for parents of low-income children.

Later on, I said we can do without a Department of Education—the Department I used to head—meaning that I thought an agency handing out scholarships to K–12 students, as well as college students, plus some effective advocacy was all we needed at the Federal level.

As a Senator, I reluctantly embraced No Child Left Behind, because it forces reporting on children who are indeed left behind, but have introduced legislation to empower States to try to do that reporting in their own way.

Putting it all together, I may not have been quite as inconsistent as I have accused myself of being.

No. 1, I believe the Federal Government should be involved in education, but I am for the Lincoln empowering model as opposed to the Rooseveltian command-and-control model.

No. 2, I believe that 95 percent of making K–12 education better depends on parents and teachers and school leaders. And, finally, while I believe it is virtually impossible for regulators and politicians in Washington to make schools better, I believe it is sometimes possible for Washington to help parents, teachers, school leaders, and communities make schools better.

So following that Lincolnian set of principles—conferring opportunities instead of making decisions—what exactly should the Federal Government do to empower parents and help them be better parents?

One, a Pell grant for kids. Give every middle- and low-income child $500 to spend after school at any State-approved education program. This would help fund music and art lessons, English lessons, other catchup and get-ahead lessons. It would pour billions into poorer school districts, programs encouraging public schools in those districts to get busy and attract students by offering the afterschool programs themselves.

A second thing would be a Federal tax system favoring parents with children. We had this during the 1950s in America. President George W. Bush did more to support this idea than most realize.

Next, perinatal care. Make sure that pregnant mothers receive care and find a medical home, a team of medical professionals that is responsible for coordinating all of the new baby's health care needs from before the pregnancy until 6 weeks after. That would be the real Head Start.

Nurses in homes. We could encourage nurses to visit homes to make sure every newly born child has a medical home. Remember, now, I am taking about what could the Federal Government be doing to help parents be better parents.

Home schooling. Our policy should be never to hinder home schooling, and to look for ways to help. Why should we punish parents who are doing their job well?

Professor Coleman at the University of Chicago used to say: School is for the purpose of helping parents do what the parents do not do as well.

We could help adults learn English. There are lines of new Americans outside federally funded programs in Tennessee to help adults learn English. Senator KENNEDY has told me the same is true in Massachusetts. Encouraging our common language is a Federal role, and if parents speak English better, the child is more likely to speak English better.

Finally in this list of ideas: worksite day care. With so many parents working outside the home, there is less time for the child. One solution is worksite day care near the place where the parent works. Take the child to work. This is usually a private sector solution, but as assistance for low-income parents could make sense.

To help teachers and school leaders be better, what could the Federal Government do? One thing would be to help fund higher standards and data collection. Those should be set by States or groups of States, not by those of us in Congress. But they should be set so teachers, parents, and students know what to expect.

Probably nothing is more important than paying good teachers more for teaching well. I especially admire the work the new Secretary of Education has done in this area in Chicago. I know the new Senator from Colorado and the Senator from Tennessee, Mr. CORKER, in their hometowns have done this.

Every child benefits from exceptional teaching. Now that we know how to relate student achievement to the skills of the teacher or the groups of teachers, we should pay teachers for their superior skills. That means expanding the Teacher's Incentive Fund, which already exists, to help local school districts reward outstanding teaching in many different ways.

As the late Albert Shanker, president of the large American Federation for Teachers, used to say, ''If you can have master plumbers, why not master teachers?''

We should encourage charter schools. That helps teachers because it liberates the teachers and school leaders to use their own good judgment to help the children assigned to them. I am encouraged that the new Secretary of Education has encouraged charter schools.

Teach for America helps to supply new raw talent to the classroom, and I think, even more important, forms an alumni corps of support for excellence in the public schools, once those young teachers go on to whatever else they plan to do.

Teachers' colleges. They need to be improved. One way to do it would be to award peer-reviewed, competitive research grants on the agendas most of them will not touch: how to give parents more choices, how to reward outstanding teaching, how to make charter schools successful, and how to help newly arrived children learn English.

UTeach is another idea formed at the University of Texas-Austin. The America COMPETES Act that we passed in a bipartisan way in 2007 carries that nationally. It funds scholarships at universities where good students in math and science will switch to teaching.

Summer academies. Senators REID and KENNEDY, a whole group of us, have helped to create summer academies for outstanding teachers of U.S. history, as well as the sciences. These are inexpensive and enriching and they do not intrude very much into State and local responsibility.

School leaders. The biggest bang for the buck that we can do from here, or that States could do, or that school districts could do, is training school leaders. Generally, our role could be to expand the Teacher Incentive Fund and the New Leaders for New Schools Program.

Our higher education system is molded upon the Lincolnian principles. It is also the best in the world. Our K–12 system is smothered by commands and controls from Government and the unions. It is a source of constant concern. Republicans should create proposals and policies that confer opportunities for parents, teachers, students, school leaders, and researchers, and stay away from programs that create command-and-control orders from politicians and regulators.

That is a lesson from our founder, Abraham Lincoln.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business and that the time not be charged to the Durbin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING THE FALL OF SOUTH VIETNAM

Mr. WEBB. Mr. President, I have a resolution I have left at the desk which would honor the Vietnamese refugees who came to this country after the fall of South Vietnam. I would like to take a few minutes to discuss the importance of this day, April 30.

Today is a day that, for Vietnamese around the world, is as significant as the distinctions that are often made in other cultures between B.C. and A.D. Thirty-four years ago, on April 30, 1975, the Communist forces from North Vietnam finished their conquest of the south, and the struggling, war-torn country of South Vietnam ceased to exist. Many who fought on the Communist side and others who supported them believe that the motivation for pursuing this war was the unification of the country and independence from outside influence, and in many ways the position that they took, and the loss of 1.4 million Communist soldiers on the battlefield in pursuit of that position, is understandable. But it is just as understandable to recognize and honor the aspirations of the overwhelming majority of the people of South Vietnam who fought long and hard at a cost of 245,000 battlefield deaths for a government that, like our own here in the United States, allows true political and individual freedom.

Those aspirations fell to the wayside as North Vietnamese tanks entered Saigon in blatant violation of the 1973 Paris Peace accord and instituted a harsh, Stalinist system of government that was marked at the outset by cruel recriminations toward those who had resisted its takeover. And thus, for millions of Vietnamese around the world, April 30 is a reminder of the loss of everything, including their homes, their way of life, and their hopes for a prosperous and open future for the country that they loved.

Americans in general tend to avoid or ignore this day and the significance it has not only on the Vietnamese but also on our own history. But it is important for us to look back on that day and on the war itself, not in anger but in fairness, in a way that gives credit where credit is due. And it is also important, for all of the reasons that led many of us to support that war endeavor, that we commit ourselves to working together to build the right kind of dialogue with the present Government of Vietnam in order to help bring a better future for the Vietnamese people and a more stable strategic environment in east Asia as a whole.

Frankly, I believe this war still divides Americans in a way that they still feel but no longer openly discuss. I am not sure we can even agree on the facts, much less the rightness or wrongness of our policies, that caused us to commit our military to that battlefield, with the eventual loss of 58,000 dead and another 300,000 wounded. Was it right to go into Vietnam? Was it important? If you ask those in academia, the predictable answer, growing ever more predictable as the years cause us to summarize the war ever more briefly, is that it was a mistake. And yet here is a piece of data that should still cause all of us to think again. In August, 1972, 8 years after the Gulf of Tonkin incident that brought us full-bore into Vietnam, even at a time when the Nation had grown weary of bad strategies, after tens of thousands of combat deaths, and years of massive antiwar protests, a Harris Survey showed that 72 percent of Americans still believed that it was important that South Vietnam not fall into the hands of the Communists, with only 11 percent disagreeing.

Over the years, we have lost the reality of those concerns. Too often in today's discussions that examine the Vietnam war, we are overwhelmed by mythology. I hear it said quite often that this was a war between the United States and Vietnam. Nothing could be further from the truth, and nothing could be more offensive to the millions upon millions of Vietnamese who supported the South Vietnamese Government and its long-term goal of a stable democracy. Our attempt to help that government was no different than the manner in which we assisted South Korea when it was attacked after being divided from North Korea, or the motivation that caused us to support West Germany when the demarcation line at the end of World War II divided Germany between the Communist east and the free society in the West. We were not successful in that endeavor in Vietnam for a number of reasons. But it would be wrong to assume that this was an action by our country against the country of Vietnam, or that it was motivated by lesser ideals.

We hear a lot of dismissive talk about the domino theory and the supposedly unjustified warnings about what was going on in the rest of the region with respect to efforts that were backed by the Soviet Union and Communist China in the runup to our involvement. But these were valid concerns at the time. The region had seen a great deal of turmoil during and after World War II. Most of the European colonial powers had receded throughout Southeast Asia, largely because of the enormous costs of that war, leaving poverty, war damage and unstable governments behind. Japan had withdrawn from the territories it had invaded and occupied. Governmental systems throughout the region were in transition, many in chaos. The Communists had moved into power in China. Within a year North Korea invaded South Korea, and were joined on the battlefield by the Chinese. Indonesia endured an attempted coup, sponsored by the Chinese.

In fact, Lee Kuan Yew, the brilliant leader who created modern Singapore, has said many times that the American effort in Vietnam was a key contribution in slowing down communism's advance throughout the region, and allowing the other countries in the region to stabilize and prosper. The point, simply made, is that there was a great deal of strategic justification for what we attempted to do.

This brings us to April 1975. A North Vietnamese offensive had begun in the aftermath of a vote in this Congress to cut off supplemental funding to the Government of South Vietnam. This was combined with a massive refurbishment of the North Vietnamese army, with the assistance of China and the Soviet Union, that allowed the offensive to kick off at a time when our South Vietnamese allies were attempting to reorganize their positions in order to adapt to the reality that they were going to get markedly less funding in terms of vital supplies such as ammunition and parts for their American-made weapon systems, as well as medical supplies.

The events following the fall of Saigon on April 30, 1975, have never really been given the proper attention, probably because proper attention would embarrass so many people who had

downplayed the dangers of a Communist takeover. A gruesome holocaust took place in Cambodia, the likes of which had not been seen since World War II. Two million Vietnamese fled their country—usually by boat—with untold thousands losing their lives in the process, and with hundreds of thousands of others following in later years. This was the first such Diaspora in Vietnam's long and frequently tragic history. Inside Vietnam a million of the South's best young leaders were sent to reeducation camps, where 240,000 stayed for longer than four years. More than 50,000 perished while imprisoned, and others remained captives for as long as 18 years. An apartheid system was put into place that punished those who had been loyal to the U.S., as well as their families, in matters of education, employment and housing. The Soviet Union made Vietnam a client state until its own demise, pumping billions of dollars into the country and keeping extensive naval and air bases at Cam Ranh Bay.

As a consequence of that bitter day in April, 1975 there are now more than 2 million Americans of Vietnamese descent. We are better off as a nation for their contributions to our society, at every level. It was not always easy for these refugees when they arrived during the late 1970s, to a country that had been so torn apart by the war itself. But they won the rest of us over with their perseverance, their reverence for education, and their dedication to their families. Our gain, at least in the short term, was Vietnam's loss.

It is important that Americans understand this journey, because those who lived it deserve a fair place at the table as we continue to work toward better relations in the Vietnam of today. Not to undertake a new round of recriminations; not to relive the bitterness of the past; but to build a proper bridge between our country and Vietnam, for the good of both countries, for the health East Asia, and for the benefit of all the people inside today's Vietnam.

With respect to the region, Vietnam remains one of the most important countries in terms of the manner in which the United States should be preserving all of its legitimate interests on the East Asian mainland. With the steady accretion of Chinese influence to the north, the expansion of India to the southwest, and the evolution of Muslim influence in Southeast Asia in countries such as Indonesia, Malaysia and the southern reaches of the Philippines, Vietnam, along with Thailand and Singapore, are absolutely vital to our posture as an Asian nation.

With respect to the Hanoi Government, with which I have had a long and not always pleasant relationship since 1991 when I first returned to Vietnam, I have a great appreciation for the very significant strides they have made since those early days. The relationships that are now evolving between Vietnam and the United States are healthy. In the long term, I believe they are going to be successful. And even though I remain proud of my Marine Corps service in that war so many years ago, I welcome them. When I first returned to Vietnam in 1991 I went to Easter Mass at the Hanoi cathedral. There were perhaps 20 people in the church, all of them elderly. Last Christmas I attended Christmas Mass and there were at least 2,000 people in the church, overflowing into the courtyard. People can argue around the edges—we can have our political debates—but this is progress. We need to reward those strides with reciprocal behavior, even if we remain at odds on other issues. There is a lot to be proud of in terms of the transformations that have been going on in Vietnam. Vietnam is growing. It is growing economically. It is growing politically. It is reaching out to the rest of the world. It is acting responsibly in the international arena. We have much to do with that success, and we have much work to do. We have much work to do in terms of encouraging more openness and greater political freedom. But we are on a pathway where, with the right kind of continued dialogue, I believe all of that is going to occur.

And so I would like to reemphasize that the best legacy for those of us who care deeply about this issue, and who remember all the tragedies of the war, will be for us to see Vietnam, the Vietnam of today, as a strategic and commercial partner and also as a vibrant, open society whose government reflects the strength of the culture itself, a strength that has been demonstrated over and over again by the Vietnamese who have come to this country and who, I am proud to say, are now Americans.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to speak for up to 15 minutes on the Republican time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I strongly support Senator DURBIN's amendment. It will facilitate and promote negotiation and restructuring of mortgage debt on primary residences, which is a sensible and preferable alternative to foreclosure and all the negative consequences that process involves. I cosponsored earlier versions of this measure introduced in the last Congress by Senator DURBIN as well as this one. I am proud to cosponsor the current amendment.

Including this provision in the housing bill is absolutely critical to helping an estimated 1.7 million homeowners facing foreclosure to obtain modifications of their loans so they can return to making payments and stay in their homes. This, in turn, would contribute powerfully to stabilizing the housing market and the entire financial sector, allowing our economy to recover.

For nearly 2 years now we have seen a devastating wave of home mortgage foreclosures all across America. Foreclosure exacts a painful toll on borrowers who cannot keep up with their payments. Let's not avoid the harsh realities: foreclosure means families—many oftentimes with young children—are forced out of their homes. It is a wrenching and emotionally devastating process.

But we also need to appreciate that the broader economic consequences of all of these foreclosures are overwhelmingly negative. The lender still loses money. The value of houses in the surrounding neighborhoods declines further. So-called toxic assets held by financial institutions and investors become even more toxic. The financial system and the broader economy suffer further damage. This is totally counterproductive, as we have seen vividly over the last year. It simply makes no sense to continue down this failed path of massive home mortgage foreclosures.

The Durbin amendment offers a far more promising and productive approach. Keep in mind that ''foreclosure'' is a legal shorthand for a process that cuts off or extinguishes the ability of a borrower to pay debt and remain in the home. It literally, as the word is used, forecloses any other options. The Durbin amendment, by contrast, encourages debtors and creditors to seek and negotiate sensible, workable, and economically feasible options or alternatives. What Senator DURBIN is proposing very faithfully applies the hard lessons learned as borrowers, lenders, and our Nation worked their way out of the agricultural credit crisis of the 1980s.

There are a lot of similarities between the farm crisis in the 1980s and the home mortgage and foreclosure crisis of today. In both instances, the value of the underlying assets—farmland in one case, houses in another—rose very steeply. In both cases, debts secured by those underlying assets rose very rapidly also. In both situations income available to pay off debt fell—in the farm crisis because of lower commodity prices, in the housing crisis because of unemployment and lower wages and salaries. In both instances the asset bubble burst. It was not only a matter of being unable to make payments; the asset values could no longer support the loan. With many farms, as now with many houses, the borrower owes much more than the real estate is mortgaged for.

So for a while in the farm crisis, both borrowers and lenders tried to ignore and deny what was totally an unsustainable situation. Eventually,

some lenders relented and started working out new loan terms that would reschedule payments, modify interest rates, and, in some cases, write down the debt a little bit. However, not all lenders would engage in that type of negotiation. For whatever reason, they did not want to recognize the economic reality: that not all of the debt could be repaid and that there was not enough collateral value left to pay off the loan, even if they went through foreclosure.

So what happened is, Congress had to step in and bring a dose of reality to resolving the farm debt. It did so by enacting chapter 12 to the Bankruptcy Code in 1986. I was here, a member of the Agriculture Committee at that time, working very diligently in trying to get through this farm credit crisis. But when we did that, Congress gave to family farms and ranches the debt restructuring remedy that had been available to other business enterprises. Chapter 12 bankruptcy permits the courts—permits the court—to modify loans to family farmers, including those secured by a principal residence.

Professor Neil Harl of Iowa State University, one of the most respected agricultural economists in the Nation, conducted authoritative studies of the impacts of chapter 12 bankruptcy. One of the more significant findings by Professor Harl was that some 84 percent of the original filers for chapter 12 bankruptcy were still farming or owning agricultural land 7 years later. So this was an astonishingly successful outcome, exceeding the expectations of even the most enthusiastic supporters of chapter 12 bankruptcy legislation. Professor Harl also concluded that chapter 12 provisions did not—did not—have a significant effect on interest rates. Again, this was contrary to the dire predictions by many lenders at that time—the same dire predictions that we are hearing from lenders today.

As Professor Harl pointed out, both in the 1980s during the agricultural sector, and in the 2007–2008 housing sector, the losses have already occurred because the borrowers who received relief would otherwise have been unable to repay their loan. So, again, we heard all of these dire predictions of why we can't let the bankruptcy court come in and do something other than foreclosure—to modify, to write down the debt a little bit, stretch out the payment times. What we did for many farmers at that time—they may have had high-interest loans for 7 years, 10 years. What we did, the courts came in, reduced the interest rates and strung out the payments for 20 years, 30 years. That is why so many years later farmers were still farming because they knew the underlying asset was still valuable. It was still productive. They just had to get through a bad rough spot. So there are a lot of farmers today still very much engaged in agriculture or ranching. That would not be so today had we not enacted that chapter 12 for agriculture in the mid-1980s.

So the provisions of the Durbin amendment give powerful incentives to financial institutions to work constructively with those in financial difficulty. Indeed, by giving the bankruptcy judge authority to force modification to mortgages on primary residences, as is the case with other assets, there is a real incentive to come to terms. I have never understood why a bankruptcy judge can force modifications to other assets but not on the primary residence. Well, we had the same situation in the 1980s, and we extended it to farms and, as I said, as Professor Harl showed, the rest is history. It succeeded beyond anyone's wildest expectations.

By giving this authority, again, to the bankruptcy judges, as I said, there is an incentive for both the financial institution and the borrower to come to some terms. This is very helpful for a person in difficulty, and it is very often in the interests of the owner of the mortgage, though it admittedly is not always in the interests of the mortgage servicer. We want to give relief to homeowners facing foreclosure not just for their benefit but for our benefit—the benefit of our economy.

So I urge my colleagues to support the Durbin amendment. Again, as we saw during the chapter 12 bankruptcy proceedings during the farm crisis in the 1980s, these provisions will allow many people to retain their homes and to weather this terrible economic downturn. Generally speaking, lenders will not lose any money they would not already stand to lose if they were to force foreclosure.

As I said, I believe there is a very correct and almost similar parallel to what we did in the 1980s with farms. People who are in financial difficulty today because of the downturn in the economy are going to be productive workers in the future. Why force them out of their homes when a modification such as stretching out payments, reduction of interest rates, could keep them in their homes, keep up the value of the surrounding property around them so they don't get in this downward spiral in their communities. To me, this makes eminently good sense.

Also, the positive consequences for our economy would be profound. An estimated 1.7 million families would be able to avoid foreclosure and keep their homes. The housing crisis, as I said, would receive much needed support. The housing market would be able to stabilize. All of this would be a much needed tonic for our economy.

So I commend Senator DURBIN for always being on the leading edge, as he has been in the past. This is an amendment that I don't know why it isn't just accepted. It should be adopted overwhelmingly. As I said, we have a precedent for it. We know what happened in the past, and we know the same thing applies today.

So I urge my colleagues to wholeheartedly support the Durbin amendment for individual homeowners, for communities, but for our overall economy.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wish to thank my colleague from Iowa for his kind and supportive statement about this pending amendment.

For the information of my colleagues, I have spoken to the Republican cloakroom. I believe this has been cleared, and if it hasn't, I will subject it to further modification. We have some 30 minutes remaining in the debate on this amendment that is pending, and it is to be evenly divided, 15 minutes to each side. So for the information of my colleagues, we expect the vote to be in the neighborhood, in the range of 2:45, if they want to make their plans accordingly, unless the Republican side yields back the 15 minutes they have remaining, which is their right, but they are certainly not compelled to do it. So I am not asking for a consent. I hope I am just explaining what the current consent order will lead us to.

Mr. President, I wish to show America what this debate is all about. It is about this: This picture was taken on Capitol Hill. Two adjoining homes on Capitol Hill, No. 822 on Capitol Hill, a neatly kept home—flower box, some work with some shrubbery here, nicely painted, obviously a lot of pride of ownership. Look next door. What do we find? A foreclosed property on Capitol Hill. This person is making his mortgage payment every month faithfully. This person is foreclosed on. The property is in the hands of a bank. This property is deteriorating. As it deteriorates, so does the value of the good-looking home right next door.

That is not an unusual story. It is a story that will be repeated 8 million times over the next several years because that is what Moody's estimates will be the number of mortgages foreclosed upon in America if we do nothing—8 million mortgage foreclosures. Out of all the home mortgages in America, it means that one out of six will be foreclosed upon.

This is an American tragedy coming to your neighborhood, coming to your home, coming to what may be the most important asset you have on Earth. It does not have to happen. We can do things now to make a difference. We have waited patiently for the banking industry to show leadership on this issue for years. They have failed. There has been one excuse after another why they cannot step in and help people renegotiate their mortgages.

Foreclosure is not a day at the beach for a bank. It costs them up to $50,000, sometimes more. They end up owning property, which is not what most bankers go to business school to learn how to do, and the property deteriorates, the value deteriorates, and they are stuck with it.

We have said to them: Let's find a way out of this that is reasonable.

Let's give to those facing mortgage foreclosure a last chance in bankruptcy court to have the judge try to adjust the value of the principal of the mortgage no lower than the fair market value of the home—that is the best that any bank could ever hope for, if they could ever sell this property—no lower than the fair market value of the home and an interest rate that is competitive with market rates. If the person in bankruptcy has enough income to make the payment, give them that second chance. The banks say: No, never, even though that kind of a power in bankruptcy court is available for every other piece of real estate you own—the farms Senator HARKIN of Iowa spoke to, ranches, vacation condos. It does not apply to a person's home. Why? Why wouldn't we apply it to a person's home? That is what the Durbin amendment does.

We said to our friends in the banking community: We are going to give you the last word, and here is what we are going to tell you: Anybody who wants to go to bankruptcy court to have their mortgage rewritten by the bankruptcy court first has to go back to the bank where they have their mortgage at least 45 days in advance of filing bankruptcy and put all of their documentation on the table as to their income and their net worth. If the bank then makes them an offer of a mortgage that has a mortgage-to-income ratio of 31 percent, which is the standard we are using now, if the bank makes that offer, whether the borrower takes it or not, the bank is protected, the person can't go to bankruptcy court. The bank has the last word in terms of whether anyone can even raise this issue in bankruptcy.

I have been working on this for 2 years. By Senate standards, that is a heartbeat. In this place, you better get ready to hunker down and fight for months and years at a time if it is an important issue, and I still am. But for 2 years, we have been working with the banks trying to come up with a reasonable way to avoid this tragedy in neighborhoods across America. They are the ones who came up with the 45 days before filing for bankruptcy. They wanted us to restrict it so it is not in the future, it only applies to existing mortgages. We said OK. They wanted to put a limitation on the value of the home, $729,000; that is the most you can consider to refinance. We said OK. They wanted to make sure a person had been delinquent at least 60 days before they could even consider bankruptcy. We said OK. We did all of these things because the banking industry said that way people will not be doing irresponsible things and taking advantage. We did them all. We made all these concessions. I do not agree with some of them, but that is the nature of compromise, that is the nature of the legislative process.

What happened at the end of the day after we made all these concessions? I will tell you what happened. The bankers got up and walked out. That is right. The American Banking Association, the community bankers, the major banks, such as JPMorgan Chase, Wells Fargo, Bank of America, and the credit unions walked out. They want nothing. They want no change. Only Citigroup said: We will stick with you; we think it is reasonable. They are the only ones.

If you ask them why they are opposing this effort to try to renegotiate a mortgage to keep a family in their home to avoid this mess, they say: Senator, you don't understand. It is about the sanctity of the mortgage contract.

Really? We know how some of these mortgages came to be. They came to be as a result of at least misleading the borrowers, if not outright fraud.

They used to call these mortgages no-doc mortgages. Do you know what that means? It means they were giving mortgages to people without any proof of income or net worth. If you dialed that 800 number on the television screen, a fellow would show up, set up your closing in 48 hours, and get it done. Just keep signing those papers, incidentally, until you get to the bottom of the pile and everything is taken care of. Six months, 1 year, 2 years later, that mortgage exploded in the faces of these homeowners.

Then there were others. They didn't get suckered into these subprime mortgages; they were folks just making their payments, everything was fine. Then the bottom fell out of the real estate market.

What is your home worth today? I can tell you what it is in Springfield, IL, my home I have been in for 30 years. The value of my home is down at least 20 percent. Did I miss a mortgage payment? No, but it is the state of the real estate market. Lucky for me and my wife, we paid down enough on our mortgage so it is no big problem. For some people, they went underwater. The value of the home is lower than the principal of the mortgage they were paying off. So their credit rating disintegrated as a result of that. The value of the home here, well kept and well painted, goes down because of a foreclosed home next door, and the credit rating of this homeowner deteriorates and disintegrates to the point where they cannot refinance their home. That is the reality. That is the catch-22.

The banks are arguing the sanctity of the mortgage contract. I have news for them. The bankruptcy court is all about looking at contracts. That is what they do anyway. When we reformed the Bankruptcy Code a few years ago, I didn't hear any argument about the sanctity of the contract when we changed the rules of the game. In that case, the financial institutions liked changing the rules, liked changing the contract. Now they are for the sanctity of the contract.

One other argument I think takes the cake: Senator, you don't understand the moral hazard here. People have to be held responsible for their wrongdoing. If you make a mistake, darn it, you have to pay the price. That is what America is all about.

Really, Mr. Banker on Wall Street, that is what America is all about? What price did Wall Street pay for their miserable decisions creating rotten portfolios, destroying the credit of America and its businesses? Oh, they paid a pretty heavy price—hundreds of billions of dollars of taxpayers' money sent to them to bail them out, to put them back in business, even to fund executive bonuses for those guilty of mismanagement. Moral hazard? How can they argue that with a straight face? They do.

Let me show you what this means in some of the States across the United States if the Durbin amendment would pass.

Take a look at the State of Florida. This State is really hard hit; 206,000 homes would be saved from foreclosure with the Durbin amendment—206,000 in the State of Florida. For the rest of the homeowners in the State, $36 billion in value in their homes would be protected because we saved these homes.

Take a look at the State of Ohio. Almost 44,000 homes will be saved by the Durbin amendment; $1.5 billion in real estate values saved for the people who live next door and on the same block.

The State of Pennsylvania: 37,000 homes saved; $3.3 billion in real estate value protected.

The State of Maine, a small State but almost 5,000 homeowners would not face foreclosure because of the Durbin amendment, and $104 million in value would be protected for homeowners across the State of Maine.

In the State of Missouri, 22,000 homes saved; $993 million in value.

I want to show a chart from the city of Chicago, which I am proud to represent. It looks as if it has the measles, doesn't it? This chart shows the foreclosures in 2008, the filings in the city of Chicago. Have you ever flown into Midway Airport and looked down at the little houses, the little blond, brick bungalows? They have been around at least since World War II. Good, hard-working families are in those homes, starter homes for some, above-ground pools in the backyard, nice little flowers planted in the front yard, no trash out in the streets. These people are, by and large, ethnic folks, immigrant folks. They value that home. It is the best thing they have going for them. In that ZIP Code right around Midway Airport, there is not a single block in that ZIP Code that does not have a foreclosed home. Not one. And you tell me what that means to the folks living next door. I know what it means. It means that the value of their home just went down, and if the foreclosed home is not watched carefully, even worse things can occur.

Here is what it comes down to. This is our chance to stand up for the folks across America who send us here to be their voice. They are not lucky enough

to have the American Bankers Association as their lobby. They are not lucky enough to have the community bankers as their lobby. They are not lucky enough to have the credit unions as their lobby. What we are talking about here are people who do not have any paid lobbyists. What they are counting on is Senators in this Chamber who will stand up for them.

The bankers don't want this. They hate the Durbin amendment like the devil hates holy water. That was an old saying, which I particularly like, from Dale Bumpers, who served from the State of Arkansas. They hate this amendment so much, so they negotiated for weeks and at the end of it pulled the plug—we are going to walk away. We are going to tell all of our friends, all of our loyal friends to vote no.

I hope the homeowners across America have more friends here than the American Bankers Association. We are going to get a test vote in a few minutes to find out. I need 60 votes to win. That is not easy, I know it. I don't know how many, if any, votes will come from the other side of the aisle. I have spoken to a few over there, even some on this side of the aisle, one who has spoken out against this proposal, and that is his right to do. To me, at the end of the day, this is a real test as to where we are going in this country.

Next up after mortgages is credit cards. Next week, the bankers can come in and see how much might and power they have in the Senate when it comes to credit card reform.

The question we are going to face is whether this Senate is going to listen to the families facing foreclosure, the families facing job loss and bills they cannot pay or whether they are going to listen to the American Bankers Association, which has folded its arms and walked out of the room. I hope we have the courage to stand up to them. I hope this is the beginning of a new day in the Senate, a new dialog in the Senate that says to bankers across America: Your business-as-usual has put us in a terrible mess, and we are not going to allow that to continue. We want America to be strong, but if it is going to be strong, you should be respectful, Mr. Banker, of the people who live in the communities where your banks are located. You should be respectful of those hard-working families who are doing their best to make ends meet in the toughest economic recession they have ever seen. You should be respectful of the people you want to sign up for checking and savings accounts and make sure they have decent neighborhoods to live in. Show a little bit of loyalty to this great Nation instead of just to your bottom line when it comes to profitability. Take a little bit of consideration of what it takes to make America strong because when this country is strong, when families can stay in their homes, take pride in their homes, and our communities are better, guess what. You are going to do better as a banker. That is what will happen at the end of the day.

When I offered this amendment last year, they said: Not a big problem; there are only 2 million foreclosures coming up. They were wrong. It turned out to be 8 million. And if the bankers prevail today and we cannot get something through conference committee to deal with this issue, I will be back. I am not going to quit on this issue. Sadly, the next time I get up to speak, whenever that might be, if we are not successful today, it may not be 8 million, it may be 10 million or 12 million.

At some point, the Senators in this Chamber will decide that the bankers should not write the agenda for the Senate. At some point, the people in this Chamber will decide that the people we represent are not the folks working in the big banks but the folks struggling to make a living and struggling to keep a decent home. That is the test.

I hope my colleagues will join me in adopting the Durbin amendment.

Mr. President, I ask unanimous consent that at 2:45 p.m. today, the Senate proceed to vote in relation to Durbin amendment No. 1014 and that any provisions of a previous order relating to this amendment remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, 1.7 million is the number of families that we will either help stay in their homes or allow to lose their homes and be thrown on to the street.

Tomorrow the Senate will have the opportunity to vote for an amendment to the Helping Families Save Their Homes Act that would enable 1.7 million families to avoid foreclosure.

My amendment would make a small change to the bankruptcy code to give these families a little bit of leverage as they work with their lenders to create a modified mortgage that they can afford.

When we can avoid foreclosures and families can stay in their homes, everyone wins—the families, their neighbors, their lenders, and the government. We can save 1.7 million homes with one vote.

I have come to the floor each day this week to talk about the scale of the problem and what we believe we should do about it, in very general terms.

Now I would like to get specific.

Let me be clear: this is a very different amendment to the bankruptcy code than my colleagues have seen before.

This amendment would integrate assistance in bankruptcy to the two primary foreclosure prevention efforts already underway: the Obama administration's Homeowner Assistance and Stability Plan and the congressionally created Hope for Homeowners refinancing program which the other title of this bill will greatly improve.

Our objective is to keep as many families in their homes as we can. Ideally none of these families would have to go through the painful process of a chapter 13 bankruptcy.

So this amendment would help only troubled homeowners who could not find other assistance outside of bankruptcy first.

Let me put it another way: mortgage servicers would be given full veto power over which of their borrowers could go to bankruptcy—they would be given the keys to the courthouse door.

All a servicer would have to do to block a borrower from going to bankruptcy for a mortgage modification would be to offer the borrower a modification that conforms to the standards of the Homeowner Affordability and Stability Plan or Hope for Homeowners—regardless of whether the borrower accepts the offer or not.

For banks and credit unions that aggressively offer modifications to borrowers who are in trouble, the total number of their borrowers who will be eligible for bankruptcy assistance will be exactly zero.

Specifically if a servicer offers a loan modification that reduces the borrower's mortgage debt-to-income ratio to 31 percent—the same as the Housing Affordability and Stability Plan—or if a servicer offers Hope for Homeowners refinancing, then that borrower could not run to a judge looking for a better deal through a cramdown. For those borrowers that the servicer chooses not to modify voluntarily and that must file for bankruptcy, half of any cramdown would be returned to the servicer if the borrower resells the home while still in bankruptcy.

For these borrowers that the servicer chooses not to help, the courts would be constrained as follows: The judge could only reduce the loan principal to fair market value, which is much more than the lender would collect if the home were to be sold in foreclosure. The judge could only reduce the interest rate to the conventional rate plus a reasonable premium for risk, which at the moment would equal around 6.5 percent to 7 percent.

And the judge could only lengthen the term to the longer of 40 years, reduced by the period for which the mortgage has been outstanding or the remaining term of the mortgage.

There are many further restrictions. Loans originated after 2008 are not eligible for bankruptcy assistance.

Loans that are larger than the largest conforming loan limit are not eligible for bankruptcy assistance. Loans that are not 60 days delinquent are not eligible for bankruptcy assistance. Loans that are not in foreclosure are not eligible for bankruptcy. And the whole amendment would sunset at the end of 2012 when the Housing Affordability and Stability Plan expires.

The banks hold the keys to the courthouse. And, even those borrowers the banks refuse to help can only receive assistance that still makes the banks far more money than the only other alternative: foreclosure.

Yet even with all of these restrictions, Mark Zandi from Moody's Economy.com estimates that this change

would save 1.7 million families from foreclosure. Why? Because for most lenders, the Obama administration's foreclosure prevention plan is voluntary. This change to the bankruptcy code would encourage lenders to participate, because offering these modifications allows lenders to effectively veto a modification in bankruptcy. That is a large part of why the President supports this provision, and why he included it as a key element in his plan.

This amendment would prevent foreclosures, which would help us find the bottom in the housing market, which would help the housing markets turn around more quickly, which would help the entire economy start moving again. Perhaps best of all, this amendment wouldn't cost the taxpayers a penny.

Even though this new proposal is airtight in protecting lenders interests, the ideologues in the mortgage industry—outfits like the Mortgage Bankers Association, the Financial Services Roundtable, the American Bankers Association, the Independent Community Bankers Association, and the National Association of Federal Credit Unions—still oppose providing this help to troubled homeowners and the economy at large.

They continue to regurgitate the same tired talking points that have been refuted over and again by the facts.

They seem to repeat the same six myths. Myth No. 1: Allowing troubled homeowners to receive mortgage assistance in bankruptcy will lead to higher borrowing costs for future borrowers. Reality: Although the Mortgage Bankers Association has claimed in front of the Senate Judiciary Committee that ''if this legislation goes through, we will be putting a permanent tax on everybody that buys a house going forward of $295 per month,'' there are several reasons why this argument makes no sense.

First, future borrowers aren't eligible for this bankruptcy assistance, so there is no reason why future borrowers should have to pay more to compensate lenders for a risk that doesn't exist.

Second, only borrowers for which foreclosure is the only other alternative are eligible for this bankruptcy assistance. Foreclosures almost always cost banks more than loan modifications that keep families paying each month. No extra costs are being borne by the banks that they could justify passing on to other borrowers.

Third, a study by Adam Levitin of the Georgetown Law School proves definitively that the availability of bankruptcy assistance to some borrowers in the past led to no increase in borrowing costs for others.

There is no reason to think that the same logic wouldn't apply in today's market that supports record low interest rates.

Myth No. 2: Changing the bankruptcy code will cause uncertainty in the market. Reality: Although the American Bankers Association asserts that ''mortgage cramdowns would add significant risk and uncertainty to mortgage lending,'' it is in fact the rapidly rising foreclosure rate that is adding risk and uncertainty to mortgage lending.

If potential homeowners think housing prices will continue to fall they will be unlikely to buy a home.

Aggressively preventing foreclosures will keep unnecessary supply off of the market, which will stabilize prices and encourage buyers to return to the market.

Since changing the bankruptcy code would save 1.7 million homes from foreclosure, the Durbin amendment would return a sense certainty to mortgage lending, not undermine it.

Some of the loudest opponents of my amendment were the chief contributors to the most uncertainty in the credit markets since the Great Depression. They have no credibility to tell us what the markets may or may not judge to create uncertainty.

Myth No. 3: Bankruptcy judges shouldn't be able to break the sanctity of the contract. Reality: The Chamber of Commerce argues that ''Cram down provisions would improperly expand the bankruptcy code by granting new powers to bankruptcy judges to modify the terms of existing, legitimate mortgage contracts.''

Legitimate mortgage contracts? What is so legitimate about no-doc, interest only, negative amortizing loans that had almost no chance to succeed from the day they are underwritten?

The concept of bankruptcy is enshrined in the Constitution, and bankruptcy has always been a venue in which contracts are restructured.

The Chamber and the banking industry had no problem with applying the sweeping 2005 bankruptcy code changes to all contracts past, present, and future when those changes benefitted businesses. They have no standing to now argue that because of the sanctity of the contract the bankruptcy laws should not be changed.

Myth No. 4: Allowing borrowers to modify mortgages in bankruptcy would shield borrowers from the consequences of their poor decisions to buy houses they could not afford, thereby creating a moral hazard. Reality: The industry that claims we should worry about moral hazard for borrowers is the same industry that helped create the greatest economic crisis since the Great Depression.

Bankruptcy is a painful process for the borrower, not one that is taken lightly. The intent of the legislation is to create the necessary incentives for more modifications to take place outside of bankruptcy.

And what about the families who have done everything right but have the misfortune of living next door to a foreclosure? If we save families from foreclosure we help their neighbors too. There's no moral hazard in that.

My amendment would save the neighbors of prevented foreclosures over $300 billion in preserved home equity. I will talk much more about that when I return to the floor tomorrow.

Finally, for many borrowers the problem isn't the home itself, but rather the high cost loan they are trapped in. Making the mortgage more affordable will make the home affordable for many families.

Myth No. 5: Restricting this amendment to only subprime and exotic loans is better policy than providing this option to borrowers with all types of loans. Reality: Although the National Association of Federal Credit Unions—which is the smaller of the two credit union associations—continues to argue that we should allow ''bankruptcy modification [to] apply to only to subprime or Alt-A (or nontraditional) mortgage loans,'' I disagree.

Last year I thought that this might be a reasonable compromise. But the foreclosure crisis has expanded far beyond subprime loans. The fastest-growing foreclosure rate by loan type is the traditional prime loan—once considered safe.

We are no longer just trying to solve for bad mortgage underwriting. We're trying to turn around the entire economy, and to do that we have to stabilize the housing markets.

Finally, how would we explain to our constituents that we're providing special assistance to borrowers who took out a riskier type of loan, but the families with a standard, conservative loan who may need a bit of help are out of luck?

Myth No. 6: Because community banks didn't create this crisis, it would be better policy to carve out their borrowers from having the option of bankruptcy assistance. Reality: Look at this picture again. If a community bank really cares about the community it serves, why should this foreclosure be allowed to take place just because the borrower took out a loan with a community bank rather than a big national bank?

Does that matter to the family who lost their home? Does that matter to the family living next door?

These banking associations have generated many myths of terror and destruction that this amendment would create, but the legislative language speaks for itself. And it refutes each of these myths.

Mr. President, 1.7 million families can be saved from foreclosure.

This is the Senate's chance to finally address the heart of our economic crisis, with no bailout money involved.

We may not have a better chance to help turn this crisis around.

Today the Senate will vote on my amendment to the housing bill that would give 1.7 million families a chance to save their homes.

I spoke earlier this week on the floor about the crushing impact to the broader economy that the foreclosure crisis has had.

Mortgages were bundled into mortgage-backed securities, which were sliced and diced into ''synthetic collateralized debt obligations'' and similar products, which were then sold to unsuspecting investors all over the world.

For a while there, they sold as if they were gold. Well, they are pretty tarnished now. They are now known as ''toxic assets.''

But I urge my colleagues not to forget that underlying these exotic ''toxic assets'' are things that we understand far more personally.

At the root of the crisis is the home. Mr. President, 8.1 million of them may be lost, according to Credit Suisse. My amendment will help save 1.7 million of them.

Also at the root of this crisis is the damage to the homeowners who live around these foreclosures, the neighbors who have made every mortgage payment on time. They stand to lose over $300 billion more, unless we pass my amendment.

I want to emphasize this point for a moment. There are millions of families all over America that have done everything right—they bought only as much house as they could afford, and they have made every mortgage payment on time.

Look at this picture. This house is well-kept, and appears to be the cherished home of a family that has acted responsibly. But this house next door, you can see what this house looks like.

Clearly, the well-kept home is worth much less than it would be if it were next to another well-kept home instead of this boarded-up eyesore.

Situations like this can be seen in each and every state that my colleagues and I represent. Families are in trouble, and their neighbors are suffering along with them.

By voting for my amendment we can save 1.7 million of these troubled families from foreclosure and can save their neighbors over $300 billion in home equity that would otherwise be lost.

In Florida, for example, we estimate that over 200,000 more families will lose their homes in the next few years if we don't pass my amendment.

Families like Derek and Kellyanne Baehr. As reported in local papers, Derek has been diagnosed with a rare neurological disorder that will eventually require him to use a wheelchair.

The couple has lived in their modest, single-story stucco home for four years, and they are now struggling to pay their mortgage.

After months of trying to work with their lender, they finally received a slight reduction in their interest rate, but ''it was like putting a Band-Aid on cancer,'' Derek said.

''We can't continue to go on this way,'' said Kellyanne. ''I cry about every day.''

If my amendment were to become law, this family's lender probably would have offered more than a ''Band-Aid on cancer.'' The lender likely would have offered a modification that would have kept the Baehrs in their home and paying their mortgage.

And, certainly, avoiding foreclosure would be a better result for both the Baehr's and the lender.

The neighbors who live around families who are kicked out on to the street—like the Baehrs may soon be—typically see the value of their homes—their most valuable asset—take a nosedive.

In Florida, neighbors of families that lose their homes will watch more than $36 billion of their assets evaporate unless we pass my amendment.

In Ohio, we estimate that nearly 44,000 more families will lose their homes in the next few years if we don't pass my amendment.

Some time ago I met the Glickens, a husband and wife from Ohio who were persuaded by a mortgage broker to commit to a mortgage that seemed fine at the start.

Then, the adjustable interest rates kicked in. They soon were being asked to pay 60 percent more than the original payments, and they just couldn't keep up.

Families like the Glickens are supposed to reach out to their lender to figure out how to modify the mortgage so that it is more affordable and so that foreclosure can be avoided.

Avoiding foreclosure is better for the homeowner and the bank, right?

Get this: the Glickens' lender charged them $425 to apply for a loan modification . . . and then turned them down anyway.

The Glickens needed a bit more leverage to negotiate with their lender, leverage that the threat of bankruptcy assistance would provide.

In Ohio, neighbors of families that lose their homes will lose more than $1.5 billion of their assets unless the Senate passes my amendment.

In Pennsylvania, over 37,000 additional families will lose their homes in the next few years if we don't pass the Durbin amendment.

As one example of many, a divorced father of twin boys in Levittown refinanced his mortgage after his divorce in an attempt to keep a stable home environment for his boys.

The refinance placed him in an interest-only mortgage with American Home Mortgage, which itself went into bankruptcy.

He ended up in chapter 13 trying to make the payments on all of his debts.

But, the bankruptcy court could not help him restructure his mortgage under current law, even though the court has restructured each of his other debts to help him make his payments.

Prior to filing for bankruptcy, he tried to reach an agreement with his lender, but he couldn't find anyone to talk to consistently about the situation and he was given no viable options to catch up on his payments.

This single dad would have benefited from my amendment. So would his neighbors.

In Pennsylvania, neighbors of families that lose their homes will watch more than $3.3 billion of their assets evaporate unless we pass my amendment.

In Maine, nearly 5,000 additional families will lose their homes in the next few years if we don't pass this bankruptcy provision. If you are watching at home in California or New York that may not sound like a lot of families, but people who live in Maine know just how devastating those losses would be.

For instance, a woman from Woolwich was barely making ends meet when she received a notice that the interest rate on her mortgage was going to increase by 3 percentage points.

She immediately contacted the mortgage company and indicated that she could not handle the additional expense.

The lender told her that they were not going to be able to work with her and there was nothing that they could do for her.

I am confident this woman's lender would have tried a little harder to help if the threat of assistance in bankruptcy loomed.

In Maine, neighbors of families that lose their homes will lose more than $100 million of their assets unless we pass my amendment.

In Missouri, we estimate that 22,000 additional families will lose their homes in the next few years if we don't pass this amendment.

We are talking about people like a Ford retiree in Kansas City who had fallen behind on his mortgage payments due to a high interest rate on the loan. He passed away, and his widow was unable to keep up with the payments.

The home was worth far less than the outstanding mortgage balance, and she started to receive foreclosure notices. Her loan servicer was not receptive to a discussion regarding a loan modification.

Her monthly income left her with about $700 after she made this mortgage payment. And her monthly heating bills that winter were $600.

Again, I have to believe the availability of bankruptcy assistance would have encouraged her lender to work with her.

In Missouri, neighbors of families that lose their homes will watch almost $1 billion of their assets disappear unless we pass my amendment.

In my home State of Illinois, last year in Chicago alone nearly 20,000 homes were in some stage of foreclosure.

The red dots represent these 20,000 homes. They are everywhere. And the problem is getting worse.

Statewide, my amendment would help 60,000 families avoid foreclosure. Their neighbors would preserve nearly $20 billion if my amendment becomes law.

How could I not fight for this?

Maybe I shouldn't take this amendment so personally. Perhaps I should

just argue dispassionately about the merits of the proposal, since the merits really do speak for themselves.

But when a family loses its home, that is personal.

The home is where parents tuck their kids in at night. It's where families share their daily stories over meals at the dining room table. It's where secrets are shared, where dreams are born, and where bonds are formed.

Every foreclosure is a tragedy. Every foreclosure is deeply personal for the parents who have to explain to their kids why they can't sleep in their bedrooms anymore. Every foreclosure that can be prevented, should be prevented.

The Senate can stop 1.7 million of them with one vote. The Senate can save their neighbors—our constituents—over $300 billion in the preservation of home equity with one vote. I urge a ''yes'' vote.

I ask unanimous consent that the letter of support attached to this statement be submitted for the RECORD.

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

HELP 1.7 MILLION FAMILIES STAY IN THEIR HOMES! SUPPORT THE FORECLOSURE AMENDMENT TO THE HOUSING BILL

APRIL 29, 2009.

DEAR SENATOR: The undersigned consumer, civil rights, labor, faith-based, housing, financial, and community organizations representing tens of millions of Americans strongly urge you to vote for the foreclosure prevention amendment that will be offered by Senator Durbin when the full Senate takes up the House-passed housing bill (''Helping Families Save Their Homes Act'') later this week. Our organizations long have supported legislation to empower bankruptcy judges to modify mortgages on primary residences so as to provide the ''stick'' financially strapped homeowners desperately need to get their lenders to work with them to prevent avoidable foreclosures. Absent this stick, all the voluntary programs that have been put in place during the last 18 months have failed to produce the modifications necessary to save American families and repair the faltering housing market.

The amendment that will be offered on the Senate floor substantially narrows previous versions by enabling the servicer to prevent the borrower from obtaining a mortgage modification in bankruptcy simply by offering the borrower an affordable modification. Any such offer would bar judicial modification of the borrower's mortgage forever. And, with this ''stick'' in place, the new voluntary modification programs have a substantially greater chance of succeeding, which would help stop foreclosures and stabilize the economy.

Mark Zandi of Moody's Economy.com projects that up to 1.7 million families will be able to save their home from foreclosure if this amendment is approved. At a time when an estimated 6,600 families are losing their home to foreclosure each and every day, there is no time for delay. We urge the Senate to support the amendment to lift the ban on judicial modification of primary residence mortgages in extremely narrowly drawn circumstances. Passage of this legislation is the most important thing Congress can do right now to help arrest the financial crisis and the terrible toll that it is taking on American families.

Sincerely,

AARP.
AFL-CIO.
American Federation of State, County and Municipal Employees (AFSCME).
Americans for Fairness in Lending.
Association of Community Organizations for Reform Now (ACORN).
Calvert Asset Management Company.
Center for Responsible Lending.
Central Illinois Organizing Project.
Change to Win.
Consumer Action.
Consumers Union.
Consumer Federation of America.
DEMOS.
International Association of Machinists and Aerospace Workers.
International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW).
Leadership Conference on Civil Rights.
NAACP.
National Association of Consumer Bankruptcy Attorneys. National Community Reinvestment Coalition.
National Consumer Law Center (on behalf of its low-income clients).
National Fair Housing Alliance.
National Federation of Community Development Credit Unions.
National NeighborWorks Association.
National People's Action.
National Policy and Advocacy Council on Homelessness.
North Carolina State Employees Credit Union.
Opportunity Finance Network.
PaxWorld Mutual Funds.
PICO National Network.
Rural Advancement Foundation International—USA.
Service Employees International Union.
United Food and Commercial Workers International Union.
U.S. PIRG.
ACORN–NC.
Affiliated Congregations to Improve our Neighborhoods, Gainesville, FL.
Baldwin County ACT II, Baldwin County, AL.
Bayou Interfaith Together.
Berkeley Organizing Congregations for Action, Berkeley, CA.
Beyond Housing, MO.
Birmingham Area Interfaith Sponsoring Committee, Birmingham, AL.
Brockton Interfaith Community, Brockton, MA.
Brooklyn Congregations United, Brooklyn, NY.
Camden Churches Organized for People, Camden, NJ.
Communities Creating Opportunity—Kansas, Kansas City, KS.
Congregations and Schools Empowered, Glenwood Springs, CA.
Congregations Building Community, Modesto, CA.
Congregations for Community Action, Melbourne, FL.
Congregations Organizing for Renewal, South Alameda County, CA.
Congregations Organizing People for Equality (COPE).
Congregations United for Neighborhood Action, Allentown, PA.
Connecticut Association for Human Services.
Connecticut Legal Services.
Consumer Credit Counseling Service of Forsyth County, Inc., NC.
Contra Costa County Interfaith Supporting Community Organization, CA.
Delta Interfaith Network (DIN).
Essex County Community Organization, Essex County, MA.
Fair Housing Law Project, CA.
Faith in Action Kern County, Kern County, CA.
Faith in Community, Fresno, CA.
Faith United Empowering Leadership (FUEL).
Faith Works, North San Diego County, CA.
Federation of Congregations United to Serve, Orlando, FL.
Financial Protection Law Center.
Flint Area Congregations Together, Flint, MI.
Florida Legal Services.
Greater Long Beach Interfaith Community Organization, Long Beach, CA.
Greater Pensacola Community Organization, Pensacola, FL.
Hope Ministry of Point Coupee.
Housing Preservation Project, MN.
Inland Congregations United for Change, San Berardino/Riverside/Coachella, CA.
Interfaith Action, Rochester, NY.
L.A. Voice, Los Angeles, CA.
Legal Assistance Corp. of Central Massachusetts.
Legal Assistance Resource Center for Connecticut.
Massachusetts Communities Action Network, Boston, MA.
Metro Organizations for People, Denver, CO.
Metropolitan Interfaith Congregations Acting for Hope, Framingham, MA.
MICAH Project, New Orleans, LA.
Moving in Congregations, Acting in Hope, Cortland County, NY.
National Housing Law Project, CA.
Navy Marine Corps Relief Society, Camp Lejeunne, NC.
North Carolina Community Action Association.
North Carolina Housing Coalition.
North Carolina State AFL–CIO.
North Carolina State Conference of the NAACP.
Northern Valley Sponsoring Committee, Yuba & Colussa Counties, CA.
Oakland Community Organizations, Oakland, CA.
Orange County Congregation Community Organization, Orange County, CA.
Peninsula Interfaith Action, San Mateo County, CA.
People Acting in Community Together, San Jose, CA.
People and Congregations Together, Stockton, CA.
PICO California, Sacramento, CA.
PICO Louisiana Interfaith Together, Baton Rouge, LA.
Public Justice Center, MD.
Queens Congregations United for Action, Queens, NY.
ROOF Project, Greater New Haven Community Loan Fund.
Sacramento Area Congregations Together, Sacramento, CA.
San Diego Organizing Project, San Diego, CA.
San Francisco Organizing Project, San Francisco, CA.
United Interfaith Action of Southeastern Massachusetts, New Bedford/Fall River, MA.
Vermont Interfaith Action, Burlington, VT.
Western Massachusetts Legal Services.
Working Interfaith Network, Baton Rouge, LA.

Mr. BURRIS. Mr. President, as I address this Chamber today, more Americans find themselves face to face with the grim reality of home foreclosure than ever before. The magnitude of this problem is hard to overstate, and the human cost of forced evictions and shuttered windows is heartbreaking. In the midst of an unprecedented economic crisis, neighborhoods across the country are battered by month after

month of record foreclosures, and there does not seem to be an end in sight. We must therefore move with urgency to put an end to this crisis and help keep hardworking Americans in their homes.

With this increasingly dire situation in mind, I urge my colleagues to pass the Durbin amendment to the Helping Families Save Their Homes Act.

As it stands, 8.1 million homes are expected to be lost to foreclosure before we emerge from this crisis. The Durbin amendment would preserve more than $300 billion in equity for responsible homeowners and prevent 1.7 million of those mortgages from falling into foreclosure. Together with President Obama's Housing and Stability Plan, this measure would create strong incentives to modify mortgages outside of bankruptcy. Under this plan, a few troubled borrowers would receive controlled assistance in the court system. This empowers homeowners and also protects lenders to ensure that everyone is getting a fair deal.

Some elements of the powerful banking industry oppose what I see as a commonsense solution. They seek to misrepresent our efforts to help Americans remain in their homes, despite the fact that this legislation safeguards their assets too, and even provides lenders with a ''veto'' over which of their borrowers can go into bankruptcy. Please do not fall victim to the myths that some have tried to spread about this bill. Let me be clear: this measure is not a stopgap, it is not a bailout, and it will not cost taxpayers one more penny. It is a pragmatic and effective solution to a set of problems that have been wreaking havoc on the American families for far too long.

I applaud my colleague, Senator DURBIN, for his leadership on this issue. Where others have pointed fingers and played partisan games, Senator DURBIN has acted swiftly to provide a clear vision and a strong voice on behalf of troubled homeowners in our home state and across the country. I thank him for his hard work in creating this important legislation, and I am proud to support it.

Now is the time to focus on solutions. Now is the time to take swift action to save 1.7 million homes otherwise expected to fall into foreclosure. The day will come when it is appropriate to assign blame, to call those responsible to task for the recklessness that led us here. But first we must act boldly to aid the victims of the mortgage crisis and stop the relentless march of foreclosures across America's heartland. I call upon my colleagues to pass the Durbin amendment without delay.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I know that in a few minutes we are going to be voting on the amendment offered by our colleague from Illinois, Senator DURBIN, and I wish to once again commend him and Senator SCHUMER and others who have been involved not just in the crafting of the amendment, but I wish to thank their staffs. Brad McConnell has done a Herculean job over these past number of weeks, including the 2-week recess period we were out of session, to try to reach a compromise with major lending institutions and others across the country to be supportive of this proposal that Senator DURBIN has asked us to approve, which is to allow judges under the bankruptcy law to work out modifications between lenders and borrowers with home mortgages that are involved in principal residences.

Again, Senator DURBIN has significantly shrunken his original idea to the point where this is a very modest proposal, for a very limited amount of time, affecting circumstances that would be very controlled due to the fears that were raised by others that this would be too broad and far-reaching. As to the point I attempted to make this morning, I am confounded by those who would oppose this amendment. Bankruptcy judges can engage in workouts between borrowers and lenders where vacation homes, holiday homes, recreational vehicles or yachts are involved, but they can't do it on a principal place of residence.

I think that is a hard argument to explain to the American people, most of whom—while they might like to have a vacation or a holiday home or other residences—only have a principal place of residence, so they are restricted. What strikes them—and those of us who are supportive of the Durbin amendment—is how you explain to two families who live next door to each other, one of whom only has a principal place of residence, as most Americans do, and the next-door neighbor who, because of economic circumstances, inheritances or whatever else it may be, has that wonderful beach house or that cabin up in the mountains or that yacht on the lake, and if they are in trouble on those mortgages, the bankruptcy judge can work out a new financial arrangement which allows them to keep that vacation home or keep that boat or log cabin up in the hills. Yet the next-door neighbor, with just a principal place of residence, hears: I am sorry, you are going to foreclosure. We are not allowed to work that out for you.

I don't know how you explain that to people, not to mention the damage you do, of course, to every other neighbor in that community whose property value declines because of the foreclosure, that family who is affected, neighborhood that is affected, economy that is affected.

What the Senator from Illinois has proposed is a very narrow, restricted, commonsense idea. As I mentioned earlier, meeting with bankruptcy judges in Connecticut on Monday, I raised with them what they thought of the Durbin amendment. They thought it was a wonderful idea. I half expected they would say the courts are crowded, already overcrowded. That was not the argument at all.

Again, I hope my colleagues, as they come to this Chamber, give this that additional consideration. This ought not be a matter that divides us here. This is one that could make some sense, even if it doesn't do as much as we hope it does. I mentioned earlier some 15,000 homes in my State could be positively affected by this amendment. What if it were only 5,000? What if we were off? Is it wrong to try to save 5,000 homes in my State? Or the 325,000, or a number like that, in California, not to mention States that have numbers that vastly exceed what Connecticut could benefit from?

We will not know unless we try. All the things we have tried—and I have been involved with most of them—have never done quite as much as we hoped they would. But until we get to the bottom of the mortgage market problem, until you get to the bottom of that, all these other economic problems are going to be more difficult to solve.

I applaud my colleague from Illinois. He has been tireless in his effort. I express my strong support for what he is trying to achieve here and hope my colleagues will do so as well in the few moments remaining before they come to cast a ballot on this important issue.

You may never do anything that will allow for as much relief to as many families as you will if you cast a positive vote on the Durbin amendment. I would love to tell you these other ideas we are going to work on will have great opportunity, but I must tell you candidly, as the chairman of the Senate Banking Committee, this idea offers more hope for more people than any other idea you possibly ever will vote on.

This is the moment, this is the hour, this is the day to make a difference and I know all my colleagues would like to make a difference for the people in their States who are going through job loss, home loss, retirement loss. Here is one answer that could very well provide the kind of relief all of us would like to see.

I urge the adoption of the Durbin amendment.

Mr. DURBIN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—45

Akaka	Gillibrand	Mikulski
Bayh	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bingaman	Inouye	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Lautenberg	Stabenow
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—51

Alexander	Crapo	Lugar
Barrasso	DeMint	Martinez
Baucus	Dorgan	McCain
Bennet	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Pryor
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Byrd	Hutchison	Shelby
Carper	Inhofe	Snowe
Chambliss	Isakson	Specter
Coburn	Johanns	Tester
Cochran	Johnson	Thune
Collins	Kyl	Vitter
Corker	Landrieu	Voinovich
Cornyn	Lincoln	Wicker

NOT VOTING—3

Kennedy	Rockefeller	Sessions

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is withdrawn.

The majority leader is recognized.

Mr. REID. Mr. President, we are now going to proceed to the Strickland nomination. There should be a vote on that within the next couple of hours. We have a very important amendment that is going to be debated this evening, this afternoon, by Senators DODD and SHELBY. It is a substitute to the amendment that is now before the body. It is an extremely important amendment.

I would hope if Senators have any other amendments they want offered to this bill that they should do it. We want to finish this legislation as quickly as we can. It is extremely important we get it done.

We have 3 weeks left in this work period. There are things we have to complete this work period. We have to complete this housing legislation. I would like to do that in the next few days; hopefully, tomorrow. We are not going to have any votes tomorrow after 11 o'clock.

Hopefully, we have all of the cards lined up. We can finish this housing legislation tomorrow. We are going to go to the credit card legislation as soon as we finish this housing legislation. We are going to go, after that, to the procurement legislation. That is a bipartisan piece of legislation with Senators LEVIN and MCCAIN.

Then, before we leave, we are going to do the supplemental appropriations bill. There is one other piece of work I wanted to do, but we—it doesn't appear that the HELP Committee is going to be able to have that marked up in time for me to do it. Frankly, we probably would not have time to do it anyway; that is, the FDA regulation of tobacco.

So everyone needs to understand this is work we have to do before we leave. Then when we come back, the next work period is only 4 weeks. I have told Senator KOHL that we are going to do the railroad antitrust legislation during that 4-week work period. We are going to do that either the first or second week. Hopefully, no other emergencies come up that get in the way of not allowing us to do that.

Also, because the budget passed yesterday, as soon as we get the 302(b) allocations, which should be soon, we are going to move as quickly as we can to start working on the appropriations bills.

There is a general feeling of the Democrats and Republicans that we want to be able to get some appropriations bills done.

Senators INOUYE and COCHRAN are two of the most valued Senators we have; they are experienced. They should be able to move us through them. So we pretty well understand what the workload is. The main question this afternoon is whether there are other amendments to be offered to the housing bill? During this period, we have a significant number of nominations that we will do our best to work out with the Republicans. We have done pretty well so far. We have quite a chunk still pending. We are concerned about David Hayes, Dawn Johnsen, and a number of others we have to see if we can work out a time agreement on.

AMENDMENT NO. 1018

(Purpose: to provide a complete substitute)

Mr. DODD. Mr. President, on behalf of Senator SHELBY and myself, I call up amendment 1018 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. SHELBY, proposes an amendment numbered 1018.

Mr. DODD. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DODD. I will wait until after the completion of the debate on the Strickland nomination to talk about the amendment. I am sure Senator SHELBY will as well.

EXECUTIVE SESSION

NOMINATION OF THOMAS L. STRICKLAND TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife.

The PRESIDING OFFICER. There will be 3 hours of debate with 1 hour under the control of the majority and 2 hours of debate under the control of the minority, with 30 minutes under the control of the Senator from Kentucky, Mr. BUNNING.

The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise in opposition to the nomination of Thomas Strickland to be Assistant Secretary for Fish and Wildlife at the Department of the Interior. I have met with Mr. Strickland, and while he has a distinguished career in public service, I do not believe he is the appropriate candidate to fill this position. His disregard for second amendment rights, coupled with his position on domestic energy production, leaves me little choice other than to oppose his nomination today.

In December of this past year, the Department of the Interior took great steps forward toward reversing the ban on lawful firearms in parks. However, because of one court case on technical grounds, millions of law-abiding park visitors find their second amendment rights challenged yet again. For decades, regulations enacted by unelected bureaucrats at the National Park Service and the U.S. Fish and Wildlife Service have prohibited law-abiding citizens from transporting and possessing operational firearms on Federal lands managed by these agencies. The enactment of these rules preempted State laws, bypassed the authority of Congress, and trampled on the constitutional rights of law-abiding Americans guaranteed by the second amendment for more than 170,000 acres of public lands. No other Federal land management agency has enacted anti-gun rules similar to the Park Service and Fish and Wildlife.

Both the Bureau of Land Management and the U.S. Forest Service allow for the law of the State in which the Federal property is located to govern firearm possession. Neither of these agencies experienced any difficulties as a result of allowing firearm possession.

I have met with my friend, Secretary Salazar, who is now the Secretary of the Department of the Interior, and told him of my support for repealing this firearm ban. At the time, Secretary Salazar agreed with me and stated before the Senate Energy Committee that he supports repealing the ban. This is the same committee that

voted this past November, 18 to 5—I repeat that, the committee voted 18 to 5—to repeal the ban. Secretary Salazar, then-Senator Salazar, voted in support of the repeal. Because of one court case, the Department of the Interior is backpedaling on its original position.

I believe this is an unsound policy and extremely shortsighted. This is why I, along with my good friend Senator COBURN and 16 other colleagues in the Senate, sent a letter to the Department of the Interior for a clarification of its views on this regulation. While I appreciate the Secretary getting back to me so quickly on this, the response I received was short and vague. I have always had a good working relationship with Secretary Salazar. In the past, he has gone out of his way to tell me personally of his support for second amendment rights. Rest assured, I will hold him to his word and will be watching this situation very closely as it continues to unfold. I will continue to work with the Department of the Interior to get this regulation implemented properly.

I am also concerned about this nominee's stance on domestic energy production. I have long said, along with many of my colleagues in the Senate, that America has a domestic resource to meet its growing energy needs. In order to meet them, we need to use all our resources, including nuclear, clean coal, renewables, along with oil and natural gas. America has a wealth of oil and natural gas reserves that, if utilized properly and in an environmentally sound manner, could meet our energy demands for decades to come. The nominee before us today, Thomas Strickland, does not support using all forms of energy. He has been very public in his position that we should not open ANWR to domestic energy production. I have been to ANWR to see firsthand what all the talk was about. After visiting it, I am even more confident in my support for drilling there.

We met with the environmentalists and villagers on the border of ANWR and talked to them about the desperate need of the United States for more domestic energy sources. There were a few residents who expressed opposition, but they were in a very small minority. The majority of the people living near ANWR, more than 75 percent, support drilling there. I know that Strickland, along with some of my colleagues in the Senate, is desperate to stop us from opening ANWR. The facts about ANWR, however, are not on their side. Some of these facts need to be repeated, especially for those who are new to this debate.

ANWR itself is roughly the size of South Carolina. It is absolutely enormous. It is 19.6 million acres or 30,000 square miles. When we talk about drilling in ANWR, we are talking about clean drilling in an area that is less than 2,000 acres. That is one one-hundredth of 1 percent of the total acreage in ANWR. It is actually smaller than most airports.

To say that drilling in this limited portion of ANWR threatens the entire environment of this refuge is far-fetched and just plain wrong.

During my trip, I visited the sites at Alpine and Prudhoe Bay. There is no doubt in my mind that we can develop ANWR in a safe and effective manner. Drilling will only be a small footprint in ANWR that can be carried out in an environmentally sound manner. State-of-the-art technology will lessen the environmental impact. The old stereotypes of dirty oil drilling don't apply anymore. We all want to do what we can to protect the environment, but it is not credible to say that looking for oil in this small, limited part of ANWR is a dangerous threat to the entire region. As our demand for energy is growing, we must increase our energy supply to keep up. ANWR is the most promising domestic source of oil we have. To automatically take it off the negotiating table, as this nominee has, is shortsighted.

Finally, I have concerns with Mr. Strickland's stance on regulation for coal mining operations. The Commonwealth of Kentucky is home to some of our Nation's largest coal reserves. In fact, we have about 250 years of coal reserves or about the same amount of coal reserves that Saudi Arabia has for oil. I am proud to come from a State that has coal reserves and firmly believe we have the ability to develop and use this natural resource in an environmentally sound manner. This is why I was pleased, last December, when the Department of the Interior issued a rule to clarify the disposal of excess spoil created by coal mining operations.

The rule also requires mine operators avoid disturbing streams, to the greatest extent possible, and clarifies when mine operators must maintain an undisturbed buffer between the mine and the adjacent streams. Aside from striking a balance between environmental protections and responsible mining operations, this new rule clarified a longstanding dispute over how the surface mining law should be applied.

Past confusion over how it should be applied has led to undue litigation, suspension of mining operations and, ultimately, job loss for many mining communities across the country and in Kentucky. In discussions I had with both the Secretary of the Interior and Mr. Strickland earlier this year, I expressed my support for this new rule and respectfully asked that they take this support into account. Both nominees stated they would not overturn the rule. Yet this past week the Department of the Interior reversed its position and asked for the rule to be overturned.

Issuance of the rule represents the culmination of a 7-year process that was complete and well thought out. While developing the rule, the Office of Surface Mining solicited public input and received over 43,000 comments on the proposal.

They held four public hearings that were attended by over 700 people. When considering alternatives to the proposed rule in the Environmental Impact Statement, OSM selected the most environmentally protective option. It helps ensure that coal mining activities are conducted in a manner that protects both mining communities and the environment. Overturning this rule risks returning to a state of confusion about how to apply the surface mining law, risking the future of mining operations, local communities, and ultimately access to our most reliable domestic source of energy.

In my home State of Kentucky, over 24,000 jobs are at risk should surface mining operations be disrupted. I repeat that. Over 24,000 jobs are at risk should surface mining operations be disrupted. This is about half the jobs at risk for the region of Kentucky, Tennessee, West Virginia, and Virginia.

I am very disappointed that the Department of Interior, under the leadership of both Secretary Salazar and Mr. Strickland, chose to overturn this rule. Not only will it delay coal mining operations, but it will also jeopardize jobs and energy production. That is why I find myself on the floor unable to support this nominee today.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, this is a good day for those of us who want to see this environment protected because we have before us an excellent nominee, Thomas Strickland, to be Assistant Secretary of the Interior for Fish, Wildlife, and Parks. Many of us know Tom, and we know he has the experience and the expertise to be an exceptional—an exceptional—Assistant Secretary of the Interior.

He has an outstanding record of service in the public sector. In the 1980s, he was then-Colorado Governor Richard Lamm's chief policy adviser, and he had extensive experience dealing with the Interior Department and Federal agencies on all natural resource issues.

I say to the Presiding Officer, I think, as my colleague knows so well, one-third of Colorado is in Federal lands, and the actions taken by the Federal Government in Washington have a profound impact on the State. So Tom's experience with public lands issues from that State's point of view will give him a valuable perspective as he works with State and local governments to make sure their needs are being met, their voices are being heard. The people of America can be comfortable in that because Tom comes to

this work very much through a State lens.

From 1985 to 1989, Tom was the head of the Colorado Transportation Commission, and he served as U.S. attorney for Colorado from 1999 to 2001.

On a personal level, Tom Strickland has a passion for the outdoors, and he has a commitment to public lands. All of us know that when we think about America, we think about our Constitution and we think about how proud we are of the freedoms we have. We also think about ''from sea to shining sea.'' We think about this amazing—amazing—gift we have been given. We must protect the environment, the parks, the rivers, the marshlands, the streams, the wildlife that rely on these assets. So in Tom Strickland, we have someone who gets it all. He understands the need to preserve our magnificent parks and open spaces, but for the benefit of the people.

In the late 1980s and 1990s, he led an initiative called Great Outdoors Colorado which directed State lottery moneys to the acquisition of public lands for parks, open space, and conservation. This great achievement has left Colorado with a lasting legacy of public lands for future generations—with $600 million invested and 600,000 acres protected in State parks, open space, and wildlife.

Mr. President, a lot of times you will hear people say: Well, there is too much land—too much land—in open space. There is too much land that has been conserved. A lot of our friends on the other side of the aisle sometimes express that view. But what I want to tell them here today is, from my own experience in my own State—and I am sure our Presiding Officer, who is sitting in the chair, would corroborate this—the beauty we have in our States is a magnet for tourism, which is one of the largest businesses we have in the West and, frankly, throughout our Nation. People want to come and not look at congested highways. That is not why they come. They do not come to America to see, frankly, offshore oil rigs. They come to America to see the beauty—this God-given beauty of our Nation. I think Tom Strickland totally gets that.

We certainly do live in a nation that is blessed with magnificent parks and spectacular wildlife refuges in all 50 States. In my own State—and I can tell you, people come from far and wide to see the wildlife refuges in San Francisco Bay and San Diego and our national parklands such as the Golden Gate National Recreation Area, Point Reyes National Seashore, and Yosemite National Park. I will tell you, Mr. President, the first time I stepped onto the parklands at Yosemite, I was awestruck. And all of you know I am not usually at a loss for words. But I was. I was overwhelmed with God's gift. We just need to appreciate this, and we need people in places of authority who appreciate this and who do get the connection between a clean and healthy environment and the physical health of our people; between a beautiful, clean, healthy environment and tourism and recreation and fishing and all the things that add so much value—dollar value and also just value to the spirit and value to the soul.

Today, our parks and our refuges are threatened by budget shortfalls, maintenance backlogs, and other impacts. Because of the Endangered Species Act, we have saved some of America's iconic species, including the bald eagle. But there is much more to be done.

Over 300 Fish and Wildlife Service positions have been eliminated since 2004. Funding shortfalls have limited public access. What is the point of all this beauty if the public cannot get access because we are so stressed in our budget? We have had reduced law enforcement in the parks, and we have seen threatened wildlife. Recent funding in the President's stimulus bill that we passed here will help to address some of the immediate needs, and I am so pleased about that. But a long-term solution is needed. If I can say, the long-term solution to this lack of interest in the last 8 years in our resources—this neglect of our resources—the first step, it seems to me—we will say the second step because the stimulus package was the first step—the second step is putting someone in charge of these treasures who really gets it, who really understands.

When Mr. Strickland came before our Environment Committee, he impressed me with his understanding of these challenges, and he made a commitment to address them.

During his nomination hearing, he pledged to uphold the commitment made by President Obama to restore scientific integrity by being—and I quote him—''open and honest with the American people about the science behind our decisions.'' Those are his words. So he is not coming there to just wake up one morning and say: Oh, I think I want to save this particular species because I like it. He is going to come there and talk to the scientists and make sure we are doing all we can to preserve and protect our heritage at the time when we have to take action because the scientists have pointed the way.

Tom Strickland's nomination enjoyed strong support in the Environment and Public Works Committee. I believe he is an excellent choice to provide the strong leadership we need so we can oversee our unique and irreplaceable treasures.

Sometimes when I need inspiration I read from different religions, and one of the quotes I read was written by a rabbi in the eighth century. I am not quoting it exactly, but the paraphrase is this—it is God saying: Please respect what I have given you because once you ruin it, it cannot be replaced. That is the essence of it. So it is not as if we have a do-over. If we lose these incredible assets—whether it is an endangered species such as the bald eagle or we lose the beauty of a clean-running stream because coal ash just leaked and covered it all up and there is no more stream—you really cannot get in there and do anything about it.

So we need someone like Tom Strickland who has the experience—who has the pragmatic experience to seek that balance we need, that balance all of us need in this society between, yes, clean, sustainable development, but also sustaining the magnificent open spaces that, frankly, people who came before us—and as I look at the Presiding Officer, it is a very moving moment because we think of Congressman Udall, whom I worked with, who did so much to teach us about our obligation. Now we have two Senators Udall. What a spectacular thing that is.

I think Tom Strickland comes before us today from Colorado with this background that we need to say: Thank you, Tom, for running—not give him a hard time about confirming him. This should be an overwhelming thank-you. Tom Strickland, thank you for doing it. Thank you for working so hard. Thank you for putting your name out there. Yes, you take the hits, but today I think you are going to get the votes. I am going to get down there in the well and make sure Tom Strickland is, in fact, confirmed.

Mr. BENNET. Mr. President, I rise today to speak in support of the nomination of Thomas L. Strickland, to be Assistant Secretary for Fish and Wildlife and Parks at the Department of Interior.

Secretary Salazar and Thomas L. Strickland are both legendary Colorado public figures in their own rights, and I cannot think of any two people better qualified to provide leadership in the Department of the Interior.

Thomas L. Strickland was born and raised in Texas and later attended Louisiana State University, where he played football. He earned a J.D., with honors, from the University of Texas in 1977.

Early in Strickland's career, he worked for Colorado Governor Dick Lamm, and later became Lamm's director of policy and research. In Colorado, such a prestigious statewide policy position requires one to be well-versed in important issues affecting the West, and impacting public lands and water. In 1984, Strickland accepted a position at Brownstein, Hyatt & Farber, where he eventually became partner.

Strickland was the Democratic nominee for the U.S. Senate in both 1996 and 2002, but the seat eluded him, and though he lost both times to Senator Wayne Allard, Tom became well known throughout our State and he is extremely well liked and respected on both sides of Colorado's aisle.

After the 1996 campaign, Tom returned to his law practice.

In 1999, President Clinton appointed him U.S. attorney for Colorado. He assumed office the day after the Columbine High School massacre and

worked to enforce existing gun laws in the wake of that horrible disaster. He was cognizant of how important gun rights interests are, but at the same time, he firmly believed in enforcing gun laws and preserving school safety. He worked with Federal and local prosecutors to bring gun charges under State or Federal laws, whichever were most stringent.

Strickland also worked with the Hogan & Hartson law firm, serving as, managing partner for the firm's Colorado offices, and was a member of Hogan & Hartson's executive committee.

I was pleased when I first heard that President Obama and Secretary Salazar wished to make Tom such an integral part of their team. As a chief advise on fish, wildlife and parks issues, I know Tom will be a vital asset to my dear friend and predecessor Ken Salazar, and I urge my colleagues to vote in favor of his nomination.

Mr. BINGAMAN. Mr. President, the Assistant Secretary for Fish and Wildlife and Parks is one of the principal offices in the Department of the Interior. He is responsible for overseeing both the Fish and Wildlife Service and the National Park Service. The Fish and Wildlife Service manages 550 national wildlife refuges, encompassing more than 150 million acres of land. The National Park Service manages several hundred national parks, monuments, battlefields, landmarks, seashores, trails, and rivers, encompassing 84 million acres. By any measure, the Assistant Secretary for Fish and Wildlife and Parks is an important office, which needs to be filled by a talented and capable individual.

President Obama has made an excellent choice in nominating Thomas Strickland for this important post. Mr. Strickland is a lawyer by training. He is a graduate of the University of Texas Law School and clerked for a Federal district judge in Houston. He practiced law in Denver and served as Governor Richard Lamm's chief policy adviser. He chaired Colorado's Transportation Commission. Ten years ago, President Clinton nominated him, and the Senate confirmed him, as the U.S. attorney for Colorado. He ran for the Senate, twice, unsuccessfully, in 1996 and 2002. He was the managing partner of the Denver office of the law firm of Hogan and Hartson and later the executive vice president and chief legal officer of the United Health Group. Since January, he has served as Secretary Salazar's chief of staff at the Department of the Interior.

Over the course of this long and distinguished career, Mr. Strickland has dealt frequently and extensively with environmental and natural resource issues. Along with Secretary Salazar, Mr. Strickland was one of the founders of the Great Outdoors Colorado Program, which has invested $600 million of State lottery money to protect 600,000 acres of state parks, wildlife habitat, and open space in Colorado since it was founded in 1993.

Because the portfolio of the Assistant Secretary of Fish and Wildlife and Parks bridges the jurisdiction of both the Committee on Energy and Natural Resources and the Committee on Environment and Public Works, our two committees share jurisdiction over Mr. Strickland's nomination.

The Committee on Energy and Natural Resources held a hearing on his nomination over a month ago, on March 24, and favorably reported the nomination to the Senate on March 31.

One hundred days into the Obama administration, Secretary Salazar remains the only Interior Department official confirmed by the Senate. The work of the Interior Department is too important and too demanding for one individual. The President has nominated a superbly qualified person for the position of Assistant Secretary for Fish and Wildlife and Parks. I urge my colleagues to vote to confirm Mr. Strickland for this important post.

Mr. INHOFE. Mr. President, I rise today to speak on the nomination of Tom Strickland—and to raise concerns about recent actions taken by the Department of Interior relating to the Endangered Species Act.

As Assistant Secretary for Fish, Wildlife, and Parks at the Department of Interior, this position is responsible for overseeing many important programs. Most notable to me as ranking member of the Environment and Public Works Committee, are the management of the U.S. Fish and Wildlife Services and the implementation of the Endangered Species Act.

When Mr. Strickland came before our committee for a hearing on his nomination in March, Congress had just passed the Omnibus appropriations bill that contained a mandate to revise and reissue ESA rules concerning the listing of the polar bear and modifications to the section 7 consultation process. This action allowed the Departments of Commerce and Interior to reverse rules without the usual requirements for public input and allowances for legal objections under the Administrative Procedures Act.

Now today, as we debate the nomination of Mr. Strickland on the floor, the administration has already reversed the section 7 consultation rule in complete disregard of the APA and is poised to reverse both rules without the usual review process promised by President Obama's commitment to transparency and public process. Unfortunately, Congress and the administration's bold decision to willfully set aside rules protecting public input and transparency are in direct contrast to the majority's constant complaints to the last administration about the lack of process. Moreover, the revision of these rules was done without respect to a bipartisan letter to the Department of Commerce that I signed with Senators MURKOWSKI, BEGICH, and HUTCHISON urging the use of an open process complying with the APA and all laws governing the withdrawal of Federal regulations.

What troubles me further is the potential use of the Endangered Species Act as a tool to regulate greenhouse gas emissions. While some environmentalists would love to see the ESA used to regulate greenhouse gases, the ESA was never intended to set a climate change policy, but rather it is a tool only to protect endangered species. However, the listing of the polar bear last year as a threatened species has opened the door to the possible use of the ESA for disastrous carbon controls. That is why in December, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service jointly adopted a final rule that revises the regulations governing the consultation obligations of federal agencies under section 7 of the ESA and regulations providing for protections against the ''take'' of the polar bear. These rules were adopted through the normal rulemaking process and took into consideration nearly 235,000 public comments.

Under the ESA, a Federal action agency is required to initiate consultation with the Fish and Wildlife Service or the National Marine Fisheries Service if it determines that the effects of its action are anticipated to result in the ''take''—including potential harm—of any listed species, or the destruction or adverse modification of designated critical habitat. This includes actions the agency takes itself, actions that are federally funded, as well as the issuance of a Federal permit or license for a private party.

A key element of the final section 7 rule is its conclusion that it ''is not an appropriate or effective mechanism to assess individual Federal actions as they relate to global issues such as global climate change and global warming.'' The final rule then exempts from consultation actions which are ''manifested through global processes and (i) cannot be reliably predicted or measured at the scale of a listed species' current range, or (ii) would result at most in an extremely small, insignificant impact on a listed species or critical habitat, or (iii) are such that the potential risk of harm to a listed species or critical habitat is remote.''

Likewise, the final 4(d) rule for the polar bear provides that certain activities do not constitute a prohibited ''take'' of the polar bear. Specifically, the final rule states that the take prohibition does not apply to any incidental taking of polar bears within the United States, except for incidental taking caused by activities within the polar bear's current range. Like the section 7 rule, the preamble to the final 4(d) rule maintains that ''[t]here is currently no way to determine how the emissions from a specific action both influence climate change and then subsequently affect listed species, including polar bears.'' Accordingly, the preamble to the final rule provides that section 7 consultation is not required solely because a Federal action's greenhouse gas emissions may contribute to global climate change.

In regards to Assistant Secretary Designate Strickland, I am happy he stated in his confirmation hearing before the Senate Energy and Natural Resources Committee that he does not believe the ESA was intended or designed to regulate greenhouse gases or climate change. However, in his response to questions submitted by me after his confirmation hearing in the EPW Committee, I am troubled that Mr. Strickland did not fully address if he would set aside the APA or ensure an open public process in regards to revising the polar bear and consultation rules. It is my hope, that if confirmed by the Senate today, that Mr. Strickland will allow for the transparency and open public process expected of our government in reviewing the polar bear rule.

I plan on voting to confirm Mr. Strickland today to become the next Assistant Secretary at the Department of Interior. The Fish and Wildlife Service does a great deal of good, and I believe that Tom Strickland will do a good job, but I urge him to heed the call for an open and transparent governing process and to use the Endangered Species Act only for what it was created to do: to protect endangered species, not regulate greenhouse gases.

Mrs. BOXER. Mr. President, I hope we can have this vote shortly. At this time I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that the time be divided equally during the quorum calls between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, no one knows the man about whom I am going to speak better than the Presiding Officer, but I wish to talk about Tom Strickland. I can say without reservation or hesitation that Tom Strickland is a good friend and a tremendous public servant. He will be a great Assistant Secretary for Fish and Wildlife and Parks. That is a fancy name. Basically, what he will be is Ken Salazar's chief of staff. Ken Salazar depends on him and will depend on him even more after his confirmation.

Tom Strickland went to college at Louisiana State University where he was a football player—quite a good athlete—before returning to his native Texas to study law. He graduated from the University of Texas Law School with honors and went to work for the Governor of Colorado.

As Governor Lamm's chief policy adviser in a State where protecting natural resources is a top priority, Tom Strickland worked often with the Interior Department he will now help lead.

Even after Tom joined the private sector, he continued to advance many environmental and natural resources issues on a voluntary basis. He is especially proud of helping to create the Great Outdoors Colorado Program which has protected hundreds of thousands of acres of Colorado's beautiful wilderness and wildlife.

Tom is a well-known and successful lawyer in Colorado. President Clinton appointed Tom to be a U.S. attorney for Colorado in 1999. In a turn of events no one could have anticipated, he was sworn in the day after the terrible tragedy at Columbine High School just outside Denver. The 10th anniversary was observed with sadness just last week.

Tom Strickland has been a managing partner of an internationally respected law firm and the executive vice president of a major health care company. He has been very successful personally. He accumulated some wealth, but because of his belief in public service, he accepted his friend Ken Salazar's call for assistance to become part of the Obama administration. I admire his willingness to leave behind the lifestyle he has acquired to serve his country once again.

Tom's hometown newspapers called him tough and effective. He will certainly be both of those as Secretary Salazar's right-hand man in the Department of the Interior.

Tom Strickland is a strong environmentalist who understands the importance of investing in renewable energy and making America more energy efficient. He also appreciates our environment for its many splendors. Tom and his wife, Beth, are well on their way to achieving a goal they set to visit every national park in America.

It is fitting that someone with such a great appreciation for our Nation's natural wonders will be responsible for protecting and improving America's National Park Service.

Once Tom Strickland is confirmed, our country will be in a better place.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Madam President, today, I rise to support the confirmation of fellow Coloradan, Tom Strickland, to be the next Assistant Secretary for Fish and Wildlife and Parks for the Department of the Interior.

As chairman of the National Parks subcommittee, I am particularly pleased to support the nomination of Tom Strickland for Assistant Secretary for Fish and Wildlife and Parks, because he has had a long history of activism on behalf of protecting national an State parks.

You will excuse me for indulging in a bit of home State pride when I say how great it has been to see so many Coloradans going to work for the Department in the Federal Government that has so much influence on the economic life of the West.

I think it speaks highly of the motivational leadership of both Secretary Salazar and this nominee to be the Assistant Secretary for Fish and Wildlife and Parks, Tom Strickland, that so many of their fellow Coloradans have voluntarily left the best State in the Union to work in Washington.

I know that Tom Strickland will be an excellent Assistant Secretary at the Interior.

He has an exceptional track record of leadership both as an attorney, as a businessman, as a civic leader and as someone dedicated to public service. He also has an extraordinary wife, Beth, who is inspirational in her own right.

Before coming to Interior, Tom worked in both the public and private sectors.

He served as U.S. attorney for the District of Colorado from 1999 through 2001, and has been a partner at several law firms, including Hogan & Hartson in Colorado.

From 1982 to 1984 he served as the chief policy adviser for Colorado Governor Richard D. Lamm, advising the Governor on all policy and intergovernmental issues, and from 1985 to 1989, he served on, and chaired, the Colorado Transportation Commission.

Tom graduated, with honors, from Louisiana State University, where he was an All-SEC Academic Football Selection, and he received his J.D., with honors, from the University of Texas School of Law.

I think it is clear that I have known Tom Strickland over many years.

Our work together has largely been in the public arena, where Tom—working with Secretary Ken Salazar—led efforts in Colorado to pass the historic ''Great Outdoors Colorado'' program, which dedicates State lottery money to the acquisition of public lands for parks, open space and conservation.

Tom is also an accomplished outdoorsman, and while we haven't climbed mountains together—at least not the 14,000 foot kind—we both have a love for the out-of-doors and the history, people, and landscapes of the West.

I think this love for the land is what motivated Tom to public service in the

first place, and sustained his two courageous runs for the U.S. Senate.

I was struck, as I often am, by a comment in a recent Tom Friedman's column. Mr. Friedman reminded us of the value of ''inspirational leadership.''

Mr. Friedman quoted Dov Seidman, the author of the book ''How'' on what makes an organization sustainable:

> Laws tell you what you can do. Values inspire in you what you should do. It's a leader's job to inspire in us those values.

I mention this because I know that, as the Assistant Secretary for Fish and Wildlife and Parks, Tom's job will demand both enforcement of important rules, regulations and laws, and inspired, collaborative leadership.

As one of the country's most successful lawyers, Tom will know how to enforce environmental laws. As a man who draws inspiration from our mountains, plains and waters, he also knows how to motivate and lead others.

With Secretary Salazar at the helm, I believe Tom Strickland will be a strong and effective partner.

As I conclude, I urge all my colleagues to support the confirmation of Tom Strickland this afternoon. There is no question he will do us proud in this new role he is so eager to assume.

Madam President, I ask unanimous consent that all debate time be yielded back and the Senate vote on the confirmation of the nomination of Thomas Strickland, with all other provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mrs. HUTCHISON), the Senator from Nevada (Mr. ENSIGN), the Senator from Utah (Mr. BENNETT), and the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 2, as follows:

[Rollcall Vote No. 175 Ex.]

YEAS—89

Akaka	Barrasso	Bayh
Alexander	Baucus	Begich
Bennet	Grassley	Mikulski
Bingaman	Gregg	Murkowski
Bond	Hagan	Murray
Boxer	Harkin	Nelson (NE)
Brown	Hatch	Nelson (FL)
Brownback	Inhofe	Pryor
Burr	Inouye	Reed
Burris	Isakson	Reid
Byrd	Johanns	Risch
Cantwell	Johnson	Roberts
Cardin	Kaufman	Sanders
Carper	Kerry	Schumer
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Cochran	Kyl	Snowe
Collins	Landrieu	Specter
Conrad	Lautenberg	Stabenow
Corker	Leahy	Tester
Cornyn	Levin	Thune
Crapo	Lieberman	Udall (CO)
DeMint	Lincoln	Udall (NM)
Dodd	Lugar	Vitter
Dorgan	Martinez	Voinovich
Durbin	McCain	Warner
Enzi	McCaskill	Webb
Feingold	McConnell	Whitehouse
Feinstein	Menendez	Wyden
Gillibrand	Merkley	

NAYS—2

Bunning	Wicker

NOT VOTING—8

Bennett	Graham	Rockefeller
Coburn	Hutchison	Sessions
Ensign	Kennedy	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for confirmation, the nomination is confirmed.

Under the previous order, the motion to reconsider is considered made and laid upon the table. The President shall be immediately notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009—Continued

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I will yield to my colleague from Missouri for comments, and I ask unanimous consent to be recognized after she speaks to make opening remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mrs. MCCASKILL. I ask unanimous consent to speak for 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION ENFORCEMENT

Mrs. MCCASKILL. Madam President, sometimes change comes quietly. Sometimes it comes with a big bang. Today change came quietly. I want to make sure everyone realizes the change that occurred.

For 3 years I have been talking about the problem of illegal immigration and what has caused this problem to flourish. I have been talking about the problem of the magnet of jobs that has drawn people over the border without documentation because they are trying to feed their families and the fact that no one was doing anything about employer enforcement.

When I got to Washington and I asked the head of immigration enforcement how many employers have been held accountable for knowingly hiring illegal immigrants, how many have been arrested, she could not even tell me. They didn't even keep the statistics. Think about that for a minute. They didn't keep the statistics of how many employers were held accountable for knowingly hiring illegal immigrants. I began pounding on immigration and customs enforcement about this, talking to them about basic investigative techniques.

In Missouri right now there are hundreds of employers that are breaking the rules knowingly. They are hiring people, paying them under the table, cash on Fridays. They are bringing pickup trucks from Mexico full of people, stuffing them all in an apartment. The vast majority of the business people are doing it right. They are trying to play by the rules, doing the very best job they can. But there is a chunk of employers out there that knew they were not going to get caught, knew nobody cared if they did, and they knowingly violated the law.

I asked the new head of immigration enforcement if that was going to change. I asked the new Secretary of Homeland Security if that was going to change. Today they announced a new policy. Finally, they have a set of guidelines going to everyone in the country about how we are going to prioritize going after those employers that knowingly hire illegal immigrants. We finally are going to get to the magnet. This is a crime we can deter.

If you think somebody is going to put you in jail for saying: Hey, I didn't care if you have papers or not, I can pay you cheaper; work you harder. I don't care if you are illegal or not; I don't want to know. In fact, bring your friends—if you don't think those people being held accountable is going to make a difference, then you don't understand law enforcement.

Today I am proud to say change came. The new guidelines require that, in fact, instead of working off tips, they are now going to embrace basic investigation. They will use undercover. They will use informants. They will use all kinds of documentation they can look at in terms of paper documentation. They will enlist the support and cooperation, ahead of workplace enforcement, of local law enforcement agencies, including the Justice Department. They have decided it is a new day in immigration enforcement and that we will get at the root of the problem.

I support E-Verify and I support giving employers all the tools we can to do the best job they can in hiring legal workers. But for those employers that don't care, that are doing it on purpose and knowingly doing it, we need to come down on them and come down hard.

This administration has figured it out. I congratulate the Secretary of

Homeland Security for these new policies. I stand in full support, and I know most of my colleagues do also. We finally will do something about illegal immigration when we shut down the magnet.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Let me inquire, Madam President, if I may, of my colleague: Do you want to offer the amendment at this juncture or do you want to make some comments on it?

Mr. CORKER. Madam President, I do not want to make any comments. I just want to call it up.

Mr. DODD. Why not go ahead and do that.

Mr. CORKER. OK. I thank my friend from Connecticut.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 1019 TO AMENDMENT NO. 1018

Mr. CORKER. Madam President, I ask unanimous consent to call up amendment No. 1019.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. CORKER] proposes an amendment numbered 1019 to amendment No. 1018.

Mr. DODD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To address safe harbor for certain servicers)

On page 17, strike line 1 and all that follows through page 18, line 4 and insert the following:

''(1) to the extent that the servicer owes a duty to investors or other parties to maximize the net present value of such mortgages, the duty shall be construed to apply to all such investors or group of investors; and

''(2) the servicer shall be deemed to have satisfied the duty set forth in paragraph (1) if, before December 31, 2012, the servicer implements a qualified loss mitigation plan that meets the following criteria:

''(A) Default on the payment of such mortgage has occurred, is imminent, or is reasonably foreseeable, as such terms are defined by guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008.

''(B) The mortgagor occupies the property securing the mortgage as his or her principal residence.

''(C) The servicer reasonably determined, in good faith, consistent with the guidelines issued by the Secretary of the Treasury or his designee, that the application of such qualified loss mitigation plan to a mortgage or class of mortgages will likely provide an anticipated recovery on the outstanding principal mortgage debt that will exceed the anticipated recovery through foreclosures or other resolution.

Mr. DODD. Madam President, I thank my colleague from Tennessee. Let me—since we are across the room from each other—invite you and your staff to meet with our staff and talk about the amendment since we are not sure what it is. But let's see if we can reach some accommodation.

Mr. CORKER. Madam President, I have a sense the merits of this amendment are so great that it will be accepted universally.

Mr. DODD. Madam President, I would expect nothing less from the Senator from Tennessee.

Mr. CORKER. I thank the Senator very much.

Mr. DODD. Madam President, let me first of all thank our colleague from Illinois. I know he did not prevail in his amendment dealing with the bankruptcy provisions, but I commend him for his efforts over the last number of weeks, I know in serious negotiations with others, to try to achieve an accommodation. That did not happen. I regret that was the case because I think that was one meaningful way to try to avoid some of the foreclosure problems we see in the country. So I am sorry that did not prevail.

Madam President, I wish to spend a few minutes, if I may, briefly describing the substitute amendment I have offered on behalf of myself and Senator SHELBY that is before us and will be now open for amendment—as the Senator from Tennessee has his amendment, and I know my colleague from Louisiana also has at least one—maybe two amendments—to offer on this bill as well.

Let me say to others, we would urge, if you have amendments, to let us know what they are. I also say to my colleagues this is a bill that, while it is going to be helpful to consumers and helpful to homeowners in trying to deal with the underlying problems, it is being sought after primarily by the financial institutions, the banks across the country, dealing with the FDIC, the insurance limits, among other matters. So it is very important to them, and Senator SHELBY and I recently worked this out to move forward.

But I want to say to my colleagues, there were other matters that are important as well. If this gets bogged down for days on end, the leader has indicated to me he will pull this bill down and we will maybe deal with it next fall. So to those out there who have an interest in what we have worked on here, I urge them to communicate with people that it is important we try to get this done fairly quickly.

We spent a lot of time on it. I think it is a good bill. It is a balanced bill. Senator SHELBY and I worked hard on these matters with our committee members. So this substitute is bipartisan, and we hope our colleagues will respect that and let this not become a vehicle for an awful lot of other issues for which I do not question the motivations or the sincerity of those who might offer amendments, but this is not going to become a vehicle for all these other ideas that do not relate to the underlying purpose of this bill.

As we all know, and I have mentioned before, we have a staggering number of foreclosures in the country. Some 9,000 to 10,000 homeowners, before this evening is out, will receive a default or action notice. If current trends continue, two-thirds of those people will lose their home. So of the 10,000 today who will receive that default or action notice, two-thirds of them will probably lose their home unless some action is taken. In all, some 3.4 million homes are expected to go into foreclosure this year alone—between 8 and 12 million homeowners over the next several years. Those are breathtaking numbers when you consider the damage to families, to neighborhoods, and to communities across our Nation.

According to industry figures, by the end of last year, 20 percent of all mortgage loans were already under water—1 in 5—that is, the cost of the mortgage exceeded the value of the home. Those are stunning numbers: One out of every five homeowners owed more on their mortgage than the home was worth.

In my home State of Connecticut, the problem is very serious and spreading. The Center for Responsible Lending projects that some 17,000 homes in my State of Connecticut will go into foreclosure in 2009—nearly 60,000 over the next 4 years.

I recently invited HUD Secretary Shaun Donovan to my State. We visited Bridgeport, CT, which alone has some 5,200 subprime mortgages—many already in foreclosure. Joan Carty, the CEO of the Housing Development Fund, a housing nonprofit group in Bridgeport, CT, showed the Secretary and me a series of maps of the city of Bridgeport. She had in those maps the locations of each subprime loan and each foreclosure. It literally looked like a cancer spreading across the body politic of that city.

We visited New Haven, CT, where we saw how property values for homes located within an eighth of a mile of a foreclosed home dropped by an average of $5,000 the day of that action or default. And as we saw across Hartford, CT, where home prices have sunk almost 8 percent in the last year alone, it does not take long before the epidemic affects whole cities.

In fact, this crisis could even result in a net loss in home ownership rates for African Americans, wiping out a generation of hard work and gains in wealth.

The people I have met who are losing their homes are not statistics. They are grandmothers on fixed incomes who trusted a mortgage broker who put them in adjustable rate mortgages with exploding payments. Their incomes were not going to ever adjust to a level where they could afford the fully indexed price of that mortgage. But their mortgages adjusted, and the brokers knew these borrowers were headed for trouble.

I have met working parents who lost a job or are facing a health care crisis. Fifty percent of the foreclosures are related to a health care crisis in that family—not acquiring an automobile

you cannot afford or a big-screen television, as some have been suggesting. Fifty percent are related to a health care crisis. One victim of predatory lending I met in Hartford, CT, tests children for lead poisoning for a living.

These are good people, decent Americans, many of whom were taken advantage of, often by deceptive practices. In fact, the Wall Street Journal reported that 61 percent of those in subprime mortgages could have qualified for prime mortgages but were urged or pushed into riskier mortgages by lenders and brokers who knew better. Why did they do so? Because those brokers and lenders made more money by putting these unsuspecting borrowers into riskier, higher priced mortgages.

So we have an obligation, I think as a body, to do everything we can to get this right. That is not to excuse irresponsible behavior. I am not suggesting such. But in matter after matter, this was not a matter of irresponsibility; it was either deceptive practices or conditions which forced a family—through a job loss or a health care crisis or others—to be put at risk of losing their home. This effort is to get this right not only for the families but even, in a larger sense, for the economy as a whole, which hinges on our ability to put a stop to these foreclosures.

Protecting families and our economy was what motivated me 2 years ago—this month, in fact—when I convened a Homeowners Preservation Summit, at which leaders and servicers agreed to a set of principles. This was in the spring of 2007, 2 years ago. We met, and they committed themselves to a series of principles to making their best efforts to reduce foreclosures through loan modifications.

To say there was a total failure by the industry to follow through on that agreement would be a vast understatement.

Thankfully, even if lenders, servicers, and the previous administration failed to understand the magnitude or the severity of the crisis and the obligation to act, there has been no such problem with the current administration, I am pleased to report. In putting forward a $275 billion plan, the Obama administration clearly understands that we cannot get our economy back on track until we stop the tidal wave of foreclosures sweeping across our country.

The underlying legislation Senator SHELBY and I have offered gives them the tools to do that as effectively as possible by expanding the ability of FHA, the Federal Housing Administration, and Rural Housing—and I have mentioned cities. But I want to point out, rural housing is also suffering from foreclosures; this is not just an urban problem. This affects rural States. I know the Presiding Officer and my friend from Louisiana will testify to this: In their rural communities, foreclosures are not limited to the larger cities in their States but it also affects rural people as well. That point needs to be made.

The underlying legislation gives them the tools to do that as effectively as possible by expanding the ability of FHA and Rural Housing to do loan modifications, by creating more enforcement tools for FHA, the Federal Housing Administration, to drop lenders who break FHA rules, by expanding access to the HOPE for Homeowners Program, and by providing safe harbor for servicers who modify a loan consistent with the Obama plan or refinance a borrower into a HOPE for Homeowners loan.

It is disheartening that even as more and more homeowners have fallen behind on their loans, the response of loan servicers has been so inadequate. We have heard over and over that the reason servicers are hesitant to use the tools we have given them is that they fear they will be sued for violating pooling and servicing agreements.

You would think that from an investor's point of view, reduced interest payments from modified loans would be better than no interest payments from defaulted loans. Unfortunately, you would be wrong in that. The mortgage-backed securities market in which so many of these loans are tied up is—not to put too fine a point on it—a mess. These mortgages have been sliced and diced into thousands of pieces, with securities sold off to different investors all over the globe. These investors have different interests in the loan pools—some rated triple-A, others have more risky segments. Untangling this complex mess of competing interests has been nearly impossible. One direct solution to this problem would have been the bankruptcy amendment offered by Senator DURBIN. That failed.

Another, which we provide for in this amendment, is to make modifications more likely by ensuring that servicers who provide modifications consistent with the administration's plan get the benefit of safe harbor from needless lawsuits.

Our colleague from Florida, MEL MARTINEZ, is the author of this provision. This, again, is a bipartisan proposal. Senator MARTINEZ, I think, will come to the floor and address the issue in greater detail. Senator MARTINEZ is a former Secretary of HUD under the Bush administration and brings a wealth of knowledge to these debates and discussions. It was his contribution on the safe harbor provision which caused it to be included in this legislation.

Another provision, which we provide for in this amendment Senator SHELBY and I have offered, is to make modifications more likely by ensuring that servicers who provide modifications, consistent with the administration's plan, get the benefit of safe harbor from needless lawsuits. I mentioned that. To ensure more servicers take advantage of the HOPE for Homeowners legislation we created last summer, those refinances are covered as well. Indeed, the legislation also streamlines the HOPE for Homeowners program. My colleagues will recall we adopted that last summer. We all hoped it would be a great source of modification for these mortgages. And, candidly, it ended up being a lot less than we hoped for. As the author of those provisions, it was a complicated proposal. There were a lot of fingerprints on it to try to get it out of the Congress. Unfortunately, I think we made it far more complicated than we needed to.

Our bill today is designed to streamline that program and to make it more workable for families across the country. The truth is, despite the efforts of Senator SHELBY, myself, and others, the HOPE program has not worked to date—in large part because of servicers' steadfast refusal to accept reasonable settlements for second mortgages, which belong to about half of all at-risk mortgage holders.

This is a problem the administration recognizes, with its recently announced Second Lien Program, which will make it easier for borrowers to modify or refinance their loans under the HOPE for Homeowners program.

With this legislation, we make the program far more user-friendly for borrowers and servicers alike by lowering fees and streamlining borrower certification requirements. In addition, we allow for incentive payments to servicers and originators to participate in the program, while giving the HUD Secretary limited discretion to determine who reaps the benefits of any future appreciation on that home.

For all these reasons, it is time for the banks, I believe, to step to the plate.

Consider for a moment all that we are doing to prevent foreclosures and restart lending in this legislation alone, this substitute.

As I said, we are offering banks a safe harbor to do modifications and refinancing.

To free up credit, we increase permanent borrowing authority for the Federal Deposit Insurance Corporation and the National Credit Union Administration to $100 billion and $6 billion respectively. On a temporary basis, we increase that authority to five times those amounts. Chairman Sheila Bair has said those levels will allow the FDIC to reduce the special assessments on banks by as much as 50 percent, making credit more available in our communities. According to the Independent Community Bankers Association, which strongly supports this legislation—and I thank them for it—this will increase lending by some $75 billion.

In addition, Senator SHELBY and I extend for 4 years—to December 31, 2013—the increase in deposit insurance limits from $100,000 to $250,000. We initially did this in the Emergency Economic Stabilization Act. However, in that legislation we increased the limit only through this year.

For 75 years, deposit insurance has been a stabilizing force during some of

our Nation's most troubling economic times. This increase will prove especially helpful for smaller financial institutions today, particularly our community banks across the country, which derive 85 to 90 percent of their funding from deposits.

The increase from $100,000 to $250,000 goes a long way toward eliminating uncertainty in the system. If you are planning for your retirement and buy a 3-year certificate of deposit at a bank for $150,000, you want to know your investment will be safe after 2009 comes to a close. This is to say nothing of the many other programs and capital injections already in place to protect and sustain them in our credit markets.

I would be remiss if I did not take a moment to commend our majority leader, Senator HARRY REID, for a very important contribution he has made to this legislation. Section 103 of this bill authorizes an additional $127.5 million, on top of other amounts that may be authorized, for foreclosure counseling and outreach efforts targeted to the areas that are the hardest hit by foreclosures. In addition, the provision provides for funding to increase public awareness such as through advertising, including Spanish language advertising, to try to steer people away from foreclosure and other financial scams that proliferate in hard times such as these.

Ultimately, this legislation by itself, of course, will not turn this Nation's economy around, but it will be a contribution, and a positive one, both to a healthier banking system and, more importantly, to more stable home ownership. There is no silver bullet—I know my colleagues know that—when it comes to solving our financial crisis, but each step such as this that we take brings us closer to seeing this come to an end, these most troubling economic times for our country. So by providing additional stability and certainty within the banking system, by providing assurances and help in rural housing as well as urban housing, by providing additional support for these efforts with the HOPE for Homeowners Act, this legislation goes a long way to contributing to that stability and that certainty.

Again, I am very pleased to have as my partner in this, as we have on many occasions, my colleague from Alabama, the former chairman of the committee, Senator RICHARD SHELBY, along with the members of my committee who have worked very hard on these matters as well. As I said at the outset, I regret the Durbin amendment is not part of this, but my colleagues have expressed their views on it and that is why it is no longer on this bill.

I know my colleagues have other ideas they wish to offer to this bill. I will include them if I can. If there is some reason I can't, I will explain why. If we can reach some compromise, I will try to do that as well. This is the background of this substitute proposal that Senator SHELBY and I are offering. Again, I wish to move quickly if we can on this. I think it would be an important message to send to the financial sector of our communities that we are stepping to the plate. These are matters that have been before us for some weeks now. They have been waiting patiently for us to move on these matters. We have a chance to do that. That is not to say that other people have ideas that don't have merit, but we have to make decisions about whether to move forward, and my hope is that we will, either by this evening or tomorrow. What better way to conclude this week than to conclude this bill and send a message to the citizens of this country that the Senate of the United States has moved to rise to the challenge of this crisis.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1016 TO AMENDMENT NO. 1018

Mr. VITTER. Madam President, I ask unanimous consent to set aside the pending amendment and to call up Vitter amendment No. 1016 to the underlying bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1016.

Mr. VITTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. REPAYMENT OF TARP FUNDS.

Section 111(g) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(g)) is amended—

(1) by striking ''Subject to'' and inserting the following:

''(1) REPAYMENT PERMITTED.—Subject to'';

(2) by inserting ''if, subsequent to such repayment, the TARP recipient is well capitalized (as determined by the appropriate Federal banking agency having supervisory authority over the TARP recipient)'' after ''waiting period,'';

(3) by striking '', and when such assistance is repaid, the Secretary shall liquidate warrants associated with such assistance at the current market price''; and

(4) by adding at the end the following:

''(2) NO REPAYMENT PRECONDITION FOR WARRANTS.—A TARP recipient that exercises the repayment authority under paragraph (1) shall not be required to repurchase warrants from the Federal Government as a condition of repayment of assistance provided under the TARP. The Secretary shall, at the request of the relevant TARP recipient, repay the proceeds of warrants repurchased before the date of enactment of this paragraph.''.

Mr. VITTER. Madam President, this amendment is very simple. In fact, it is identical to an amendment I offered to a different bill last week which unfortunately we did not get to vote on because cloture was passed.

This amendment says that under the TARP, if a bank wants to repay its TARP money that it has taken from the taxpayer, with all of the penalties and interests that are relevant, it can do that immediately whenever it wants, as long as it remains perfectly sound and meets all of the liquidity, safety, and soundness requirements that the normal regulators impose on those sorts of institutions. I think that is very commonsensical and straightforward. If a bank wants to repay with interest, why shouldn't it be able to leave the program? That is the guarantee and the promise that was made to banks when TARP was originally instituted. Yet several banks are trying to do that now and are getting a different story: No, no, no, no. This isn't your decision alone. This is our decision, the Government's decision, even if it doesn't impact the safety and soundness of your institution.

Several folks in this institution mirror the concerns of citizens around the country. We are very concerned about the Federal Government getting ever more involved in the business of private business and institutions, in particular, of banks and financial institutions. This is a steady trend that began last September, and it is a very steady trend that the Government is becoming first a junior partner and seemingly a senior partner in more and more significant institutions in our private market. Now we see that it is expanding beyond banks and financial institutions into auto companies, insurance companies, and who knows what next.

Certainly, with all of these legitimate concerns we have about that trend, it should be an established principle of the TARP that if a bank wants to repay the money fully with interest and if that repayment does not impact its safety and soundness, if they meet all of the liquidity requirements put on them by the Federal regulators, they should be able to do that. Yet they are not. They have not been able to do that. Some have. I am very proud to say that IberiaBank, headquartered in Lafayette, LA, was the first bank to apply for repayment and to actually give all of its TARP money back. I am very happy to say that was successfully done. They were followed by six other smaller or regional banks: the Bank of Maine, Bancorp, Old National Bancorp, Signature Bank, Sun Bancorp, Shore Bancshares, and Centra Financial Holding, Inc. All of those banks followed Iberia's lead and gave that money back.

But more recently, unfortunately, the Federal Government has been singing a different tune and has said, Wait, wait. You can't decide this on your own. We are your new partner and we get to decide this, and we are going to decide it on our criteria, even if it is a perfectly reasonable and safe thing to do with regard to your liquidity and

your safety and soundness. That exemplifies what so many of us are concerned about, about expanding government authority.

Let me quote directly from Secretary Geithner. The Wall Street Journal reported an interview recently where he:

> indicated that the health of individual banks won't be the sole criteria for whether financial firms will be allowed to repay bailout funds.

He also testified before Congress in the last few weeks and the bottom line of his testimony was: Stay tuned. We will give you guidelines on how to repay TARP funds in the future. We are not there yet, and we are not—we are certainly not willing to allow banks to make that decision. We are going to make that decision.

I have to say it sort of reminds me of the analogy of businesses that are infiltrated by the mob and they have as their new senior partner the mafia, and all of a sudden, if they want to get out, it is no longer their choice. Their new big brother partner is going to make the calls and is going to decide: No, no, no. We have our claws into you. That is not changing anytime soon.

Is that the new rule we want to establish for private market capitalism? Is that the amount of power and authority we want to give to the Federal Government over private institutions in the private sector? Even when they can repay the money and remain perfectly liquid, perfectly solvent, meeting all of the relevant safety and soundness criteria, do we want to say no, no, no, big brother government says no. We know best.

I am very disturbed by this policy that my amendment is counterpoised to. It does suggest that big government knows best and that big government is going to make the call, apart from the interests of that particular private firm. If that firm meets liquidity requirements, meets all the safety and soundness regulations in sight, then they should be able to do whatever the heck they want to determine their own future, and that includes repaying their TARP money to the government.

I urge all of my colleagues to support this commonsense, reasonable, pro-free market amendment.

AMENDMENT NO. 1017 TO AMENDMENT NO. 1018

Madam President, at this point I ask unanimous consent to set aside that amendment and call up the Vitter amendment No. 1017 to the underlying bill.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Madam President, reserving the right to object, let me say I am going to have to object at some point because we have too long a stack here. This is not aimed at my colleague from Louisiana, but I want to be careful and check with leadership as to how many amendments we can lay aside in terms of what their plans are for this evening and for tomorrow. I won't object to this particular one, but I want to use a moment here to express to my colleague that at some point we will have to put some limitation on this so we can start to grapple with the amendments before us.

I thank the Senator.

The PRESIDING OFFICER. Without objection, the clerk will report.

The bill clerk read as follows:

> The Senator from the Louisiana [Mr. VITTER] proposes an amendment numbered 1017.

Mr. VITTER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To provide that the primary and foundational responsibility of the Federal Housing Administration shall be to safeguard and preserve the solvency of the Administration)
>
> At the appropriate place, insert the following:
>
> **SEC. ___. DUTIES OF THE FHA.**
>
> (a) DUTY TO MAINTAIN SOLVENCY.—Notwithstanding any other provision of law or of this Act, the primary and foundational responsibility of the Federal Housing Administration shall be to safeguard and preserve the solvency of the Administration.
>
> (b) SUSPENSION OF ACTIVITIES.—If in the determination of the Commissioner of the Federal Housing Administration, any existing Federal requirement, program, or law, or any amendment to such requirement, program, or law made by this Act, threatens the solvency of the Administration or makes the Administration reasonably likely to need a credit subsidy from Congress, the Commissioner shall—
>
> (1) temporary suspend any such requirement, program, or law; and
>
> (2) recommend legislation to the appropriate congressional committees to address such solvency issues.

Mr. VITTER. Madam President, I thank the distinguished chairman for his comments and for his forbearance. I will be very brief on this amendment, which goes directly to the bill and is very germane.

This amendment, again, is very simple and very straightforward but I also think very important. It would require that the Federal Housing Administration recognize as its first duty to maintain its own solvency. If the provisions of the underlying bill or any other existing requirement cause the FHA to be reasonably likely to need a credit subsidy from Congress, then it shall require the Commissioner, No. 1, to temporarily suspend any program that is threatening the solvency of the FHA; and No. 2, to recommend legislation to Congress to address those solvency issues.

I commend the motives of the distinguished chairman and others with regard to this bill. Clearly, they are trying to help homeowners in dire need, and there sure as heck are many of them around the country, including my State. But as we walk down this path, I think we all want to be careful that we don't create a new crisis, a new solvency crisis at the FHA. I believe we need to be very aware of that so we don't create another crisis there as congressional and other action has in the past at Fannie Mae, Freddie Mac, and elsewhere.

Recently, on April 23 at a nomination hearing for Mr. David Stevens, who is the designate for housing and Federal Housing commissioner, the person whom President Obama has chosen to run the FHA, I asked how he viewed the health of the FHA mortgage insurance fund and if he anticipated having to ask Congress for a credit subsidy. His answer on April 23 was:

> At the present time, the FHA fund is solvent and meets actuarial requirements. Maintaining that solvency would be a top priority for me.

I am glad to hear that it is solvent as of now but, quite frankly, I don't want that solvency to be a top priority for him; I think it should be the top priority for him. I think we should be very cautious about expanding programs under the FHA if it could lead to a crisis of solvency there which could be a further rattling of the financial markets, just as similar crises have been in the past.

Unfortunately, there are significant signs that the FHA is a ticking timebomb now. According to the Mortgage Bankers Association National Delinquency Survey, for the fourth quarter of 2009 seasonally adjusted delinquency rate, 13.73 percent of FHA loans would present an increase of 81 basis points from the third quarter of 2008.

Similarly, in a report from J.P. Morgan Securities issued in January of this year, it says 70 percent of Ginnie Mae borrowers, those who are FHA borrowers and VA borrowers, would be underwater if home prices drop another 10 percent.

On March 8 of this year, a Washington Post investigation led many observers to view the FHA as a ticking timebomb. The article reports:

> There has been a spike in quick defaults that seem to follow the pattern that preceded the collapse of the subprime market as some of the same flawed lending practices that contributed to the mortgage crisis are now eroding one of the main Federal agencies charged with addressing it.

Of course they were talking about the FHA.

According to the same article:

> More than 9,200 of the loans insured by the FHA in the past 2 years have gone into default after no or only one payment.

So already we see very troubling signs.

On top of that, this bill, in some ways, erodes the stability of the FHA. It does things such as say that an individual receiving assistance under this program must verify their income, providing income tax return information but reducing the upfront fee for the program from 3 percent to 2 percent. It reduces the annual fee from 1.5 percent to 1 percent, and it adds incentives with $1,000 for each loan for folks to enter and service the program.

So I am concerned, No. 1, that the FHA right now shows real signs of a possible future crisis, and No. 2, that

this bill could unintentionally be making that worse and making that day come quicker.

I am not proposing we scrap the provisions of the bill, but my amendment would simply say that the first duty of the FHA is to maintain solvency, and secondly, if the provisions of this bill or any other requirement causes the FHA to be reasonably likely to need a credit subsidy from Congress, the Commissioner has the power to, No. 1, temporarily suspend that program, and No. 2, recommend legislation to Congress to address the solvency problem.

Let's not let the FHA be the next chapter in terms of this financial crisis. Let's not repeat the kinds of mistakes we have seen in other Federal Government or related entities. Let's be careful to avoid that, which would be an enormous rattling of the financial system and which would cause an enormous drop in confidence.

With that, Madam President, I thank the Chair and the chairman for his forbearance, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELEASE OF DOJ MEMOS

Mr. CHAMBLISS. Madam President, I rise today to express my disappointment with the Obama administration's decision to publicize the memorandums from the Office of Legal Counsel at the Department of Justice. The four memos released by the administration examine whether the CIA's enhanced interrogation techniques would violate U.S. statutes or international agreements prohibiting torture.

It is important to note that all four memos determined that the techniques did not violate U.S. constitutional or international law or U.S. criminal law. It is disappointing that the White House released to the public these highly sensitive memos. There is simply no productive or meaningful purpose in their release.

The memos describe in detail the CIA's interrogation program, the specific techniques that were used, psychological evaluations of detainees, and even detailed descriptions of some of the detainees themselves. All of this information raises questions about how seriously the President believes in protecting our national security as well as the confidentiality of legal counsel and the privacy of individuals. I believe the only reason the Obama administration chose to release these memos was for perceived political gain, and I also believe, based upon what I have heard in my home State, that the political gain has backlashed.

I think if Americans read these memos for themselves, they will agree that after the 9/11 attacks, the CIA program was necessary to detect and prevent additional American deaths. The program was designed to exploit information held by only the most senior, hardened, and dangerous al-Qaida figures who had perishable information about the attack's planning.

Since its inception in early 2002, fewer than 100 individuals were held in this program, which had significant safeguards, including detailed assessments to determine that the detainees were senior members of al-Qaida—not mere foot soldiers—who likely had actionable intelligence on terrorist threats and who posed a significant threat to U.S. interests before the CIA could detain them.

Out of the 100 or so detainees the CIA has held, only 3 were subjected to the most serious, yet legal, interrogation techniques. Those three were Khalid Shaikh Mohammed, the mastermind of the September 11 attacks, whose deadly plan resulted in the murder of some 3,000 innocent Americans; secondly, Abu Zubaydah, a senior member of al-Qaida, whom the CIA assessed to be the third or fourth ranking member of the terrorist group and who had been involved in aspects of every al-Qaida attack against America; and thirdly, Abd al-Rahim al-Nashiri, a key al-Qaida operational planner. Information obtained from these three detainees saved American lives by disrupting al-Qaida attacks and led to the capture or arrest of even more terrorists. These detainees, who have been in the inner circle of al-Qaida and who have occupied some of the most important positions in that group's hierarchy, held information that simply could not have been obtained from any other source.

In fact, the memos reveal some of the invaluable information we have gained from the CIA program. This includes prevention of numerous terrorist attacks, such as the west coast airliner plot, which sought to replicate the hijacking of airplanes and crash them into buildings on the west coast of the United States.

One memo describes the discovery of this plot by stating:

> The interrogation of KSM—
>
> Which is Khalid Shaikh Mohammed—
>
> —once enhanced techniques were employed, led to the discovery of a KSM plot, the ''Second Wave,'' to use East Asian operatives to crash a hijacked airliner into a building in Los Angeles.

The same memo describes how interrogations provided information on two operatives who planned to build and detonate a dirty bomb in the Washington, DC, area. There is no doubt that the disruption of these attacks has saved American lives.

CIA detainees have also confirmed that al-Qaida continues to operate against the United States and its allies. Just recently, a statement from none other than the Director of National Intelligence, Dennis Blair, acknowledged that the high-value information came from this same CIA interrogation program and that al-Qaida continues to plan attacks against America.

As a member of the Senate Intelligence Committee, I have seen CIA assessments on the value of information the United States has gained from interrogations as well as intelligence on the continuing resolve of al-Qaida to attack the United States and to attack its citizens. However, much of this information remains classified, so only half of the story is being told. It is important that Americans have an opportunity to see what they were protected from as a result of the CIA interrogations—interrogations that were not only effective but were deemed by the Justice Department not to be torture under U.S. and international law.

The CIA's High Value Terrorist Detainee Program was a crucial pillar of U.S. counterterrorism efforts and was the largest source of insight into al-Qaida for the United States and its allies. Now, as a result of the release of these memos, the program is the largest source of information on U.S. operations to al-Qaida and our other enemies.

The administration claims it released these memos in an effort to be transparent, but the only transparency it has provided is to al-Qaida. The group now knows the outer boundaries of what the United States is capable of doing and that we are no longer using these methods or any others for interrogation.

Our enemies—traditional enemies and terrorists—now know that some interrogation methods were 100 percent effective on our own soldiers when used in what is called SERE training. I can only imagine how delighted our enemies are to learn how to gain secrets from our soldiers. However, I am sure our enemies will not have the same safeguards, medical and otherwise, in place when they conduct interrogations on our men and women in uniform who might be captured.

While giving transparency to al-Qaida and our other enemies, the release of these memos will deprive this administration and all future Presidents from receiving candid advice from Justice Department lawyers.

The Office of Legal Counsel is supposed to provide the President and the executive branch with thorough and frank legal analysis on a variety of topics. If these talented attorneys have to worry that their confidential and often classified legal advice is going to be released to the public and could result in their prosecution, I guarantee you they will not be able to offer the most straightforward opinions and alternative legal analysis necessary to guide policy. Instead, policy will now guide these lawyers' advice.

Finally, it is disingenuous for Members of Congress to say they were unaware of the CIA program. From its inception, CIA lawyers repeatedly obtained legal guidance regarding the program from the Department of Justice, as one can see from the four classified memos released and from other unclassified memos previously released. The CIA briefed congressional leaders early on about the details of the program and the specific interrogation techniques that could be used.

As a member of the Senate Intelligence Committee, I was aware that the CIA was holding high-valued detainees and was gaining extraordinary insight into al-Qaida's structure and operations. Also, information about the program was leaked to the public and press. Reports about it started to circulate as early as 2005. Yet Congress continued to fund the program for several years afterward.

In fact, as the vice chairman of the Senate Intelligence Committee noted, the fiscal year 2007 intelligence authorization bill included language which specifically acknowledged that the CIA's program had been important in collecting valuable intelligence on al-Qaida operatives and associates and on planned terrorist attacks against the United States and our allies.

This bill was voted out of the Senate Intelligence Committee unanimously by a 15-to-0 rollcall vote. I hope that in the future this administration places more emphasis on protecting our national security rather than on placating critics of the rules the United States used to prevent another attack on our domestic soil.

Madam President, I yield the floor and suggest the absence of a quorum. I am sorry, I did not see the Senator from South Carolina. I do not suggest a quorum call.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1026

Mr. DEMINT. Madam President, in a moment I would like to bring up an amendment, but in deference to Senator DODD, I wish to wait for him to be back on the floor. In the meantime, I would like to explain amendment No. 1026 and talk about it briefly until the Senator returns.

We are all well aware of the bailout bill that was passed last October. It had one purpose, at least as that purpose was described to us, and that was to purchase what they called toxic assets that were clogging up the credit system. That $700 billion was then used in other ways, and I believe unconstitutionally, to loan money to banks, insurers, auto companies, and to actually turn those loans into preferred stock, in some cases.

It now appears the administration is going to take this a little bit further. We have seen the hiring and firing of executives. We have seen the Government, in effect, break contracts that were established in the private sector. We see the Government continuing to use this TARP money to gain more and more control over private sector industries, particularly the financial industries.

The administration appears now to have a plan that would swap this loan money in the form of preferred stock for common stock, which means we not only own but we have voting rights and, in some cases, controlling interests in General Motors. My amendment addresses specifically financial institutions, but we are talking about financial, auto companies, and other aspects of our economy using this TARP money in ways that were totally different than we ever imagined.

My amendment addresses specifically banks. It would prohibit the Federal Government from converting preferred stock to common stock and basically taking ownership and control of banks across the Nation.

Many banks that participated in the TARP funds suggest they were pressured to take it when they did not need it. Many banks now say they would like to give it back, and they are not allowed to give it back. We need to back the Federal Government out of our private sector financial system and set up a good system of laws and regulations so it can work in a way that is transparent, honest, and good for the American people. But we don't need the Federal Government to own our banks and to try to run the day-to-day business in our banks, just like we do not need the Federal Government to own General Motors and to run General Motors.

My amendment would address, specifically, the financial institutions in our country and prohibit the use of TARP funds to be translated into common stock ownership and voting rights.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Madam President, I would like to bring up amendment No. 1026.

Mr. DODD. Madam President, it will take unanimous consent to temporarily lay aside the pending amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DODD. Madam President, reserving the right to object, I say respectfully to my colleague and friend from South Carolina, a member of the Banking Committee, reluctantly I will object to that request at this point. We have amendments pending, and I will explain, as I did to him, the detail. At this very moment, I respectfully and reluctantly object to temporarily laying aside the pending amendment.

The PRESIDING OFFICER. Objection is heard.

Mr. DEMINT. I thank the Senator and yield the floor.

Mr. DODD. Madam President, as I said a moment ago, we already have a lot of amendments filed on this bill. I can tell my colleagues and those who are following this debate, this bill is critically important to our financial institutions. They have been waiting weeks for this bill that Senator SHELBY and I put together. I am not, in any way, suggesting the amendments being offered are not motivated by the best of intentions, but the net effect of it is to virtually bring down this bill. I say to my colleagues, I know they are hearing from others across the country who have been waiting for this bill to come up, to be considered, and moved along. There is no way we can spend the amount of days now that may be confronting us with the list of amendments to go forward.

The leadership—and I agree with them on this—needs some clarity. If I am going to be faced with a stack of amendments being offered, then I am going to have to, as the leadership said, take this bill down and maybe in the fall at some future date get back to it, if at all.

That is a tragedy and unfortunate because it is an important matter. It is widely supported across the country. It is essential in many ways we get it done. I wish for my colleagues to know it is not aimed at any particular amendment. It is not suggested their amendments are not well motivated. But when you load up a bill such as this with that many amendments, it makes it impossible to get the job done.

I objected to laying aside the pending amendment because we have several amendments now pending. We will try, over the coming day or so, to see if we can resolve some of those amendments, maybe accept some. I have to speak with, of course, my colleague from Alabama, Senator SHELBY, to see if there is agreement on some of the matters or some modification to make them acceptable.

I suggest to my colleagues, any additional people coming over to temporarily lay aside the pending amendments, that I will object to doing that until we get clarity and try to clear out the underbrush to determine whether we bring down the bill, which I will do, or to get a reasonable number of these amendments which we can handle to go forward. One or the other.

For those who are following this debate, the possibility of this bill being taken down is very real. I hope those who are interested in this bill will notify their respective Members who wish to offer amendments and suggest there may be a better time for those amendments to be offered.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MERKLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, tonight I rise to speak on the Dodd-Shelby legislation and specifically on my amendment, No. 1015, which is at the desk.

First, I commend my chairman, the distinguished Senator from Connecticut, for his work on this legislation. This legislation will take important steps in addressing the very heart of our economic crisis, the housing market. But we can do more.

Tonight I rise to offer an amendment that will put an end to the deceptive and unfair mortgage practices that played a pivotal role in steering American families into accepting risky and unsustainable mortgages. As I have discussed before, two key factors drew families into unsustainable mortgages and paved the way for this recession. First, steering payments were paid to brokers who enticed unsuspecting borrowers into deceptive and expensive mortgages. These secret bonus payments, called yield spread premiums, turned home mortgages into a scam.

A family would go to a mortgage broker for advice in getting the best possible loan. The family would trust the broker to give good advice because, quite frankly, they were paying the broker for that advice. But what the borrower did not realize was that the broker would earn thousands of bonus dollars from the lender if the broker could convince the homeowner to take out a high-priced mortgage such as one with an exploding interest rate rather than a plain vanilla 30-year fixed-rate mortgage.

Prepayment penalties added insult to injury. After the homeowner realized he or she had been steered into an unsustainable mortgage, the homeowner soon discovered that a large prepayment penalty made it too costly for them to refinance into a lower cost loan. The homeowner was locked into a destructive mortgage. This scam had tremendous impact.

A study for the Wall Street Journal found that 61 percent of the subprime loans originated in 2006 went to families who qualified for prime loans, meaning that millions of American families were placed at risk. This is simply wrong—a publicly regulated process designed to create a relationship of trust between families and brokers but that leaves borrowers unaware of payments that place them in expensive and destructive mortgages.

I call my colleagues' attention to a New York Times editorial published on April 10 entitled ''Predatory Brokers,'' which highlighted this problem. The editorial pointed out a study by the Center for Responsible Lending that found that subprime borrowers who used a broker actually fared worse than those who went directly to lenders. Those borrowers paid $17,000 to $43,000 more for every $100,000 they borrowed. That is outrageous.

The Times concluded:

> The first step must be to outlaw the kickbacks that lenders pay brokers for steering clients into costlier loans.

The editorial went on:

> The most clearly unethical form of payment is the so-called yield-spread premium.

It is difficult to overestimate the damage that has been done by these expensive loans and secret steering payments. An estimated 20,000 Oregon families will lose their homes to foreclosure in 2009. Nationwide, an estimated 2 million families will lose their homes this year, and the total of foreclosed families is predicted to reach 9 million by 2012.

These practices didn't only hurt families on Main Street, they were also the prime enablers for the propagation of destructive subprime collateralized debt obligations, or CDOs, that have now brought Wall Street to its knees. Had these procedures been banned—steering payments, prepayment penalties—Wall Street would not have been able to engineer the tremendous bubble on the backs of unsuspecting homeowners and, accordingly, would not have had the billions in write-downs that caused this credit crisis and sent our economy into a terrible recession.

The problem is simple and the solution is simple. The costs of doing nothing are tremendous both for homeowners and for the financial system. By banning steering payments and prepayment penalties, this amendment will restore transparency to the mortgage lending process and help make home ownership a stable investment for families once again.

The time has come for us to make sure that secret steering payments and paralyzing prepayment penalties never again haunt American families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I want to begin by commending our colleague from Oregon for this proposal. We have had a chance to talk about it, and he is exactly right. He described it more adequately as to what happened, what goes on, what went on, that contributed so much to the overall economic mess we are in today. This is where it all began. This was not a natural disaster that occurred like Katrina, an act of God. These were intentional decisions made by people to abuse purchasers, borrowers, luring them into financial situations where they were fully aware that borrower could never meet the fully indexed cost of that mortgage as it matured.

In fact, I recall one of the early hearings we held in 2007, the Web site of the brokers. The first piece of advice to a broker was: Convince the borrower that you are their financial adviser.

Not that you were their financial adviser, but to convince them that you are so that you can then engage them in such a way as to convince them to enter arrangements that they could hardly afford. As we now know from a number of different studies, somewhere between 60 and 65 percent of the people who ended up with subprime mortgages actually qualified for conventional mortgages.

For those who may not understand the differentiation, the cost of a conventional mortgage is substantially less than a subprime mortgage.

The Presiding Officer, the Senator from Alaska, spent a good part of his career in this business, so he knows firsthand how all of this works and appreciates the proposal by our colleague from Oregon. Yield spread premiums were one of the key causes of the current crisis because these premiums create incentives for brokers to upsell borrowers; in other words, to convince them and to draw them into arrangements that would be more costly because that is how they got paid. It was nothing more complicated than that. You got a better fee if you could convince someone, talk them into a situation that cost the borrower more. The borrower could never meet those obligations, particularly people on fixed incomes.

One of the first witnesses I ever called before the committee as chairman in 2007 was a woman from Chicago whose husband had passed away. She worked for 30 or 40 years, had retired, was living in a home that she and her husband had bought years before, had $3,000 of consumer debt. A broker convinced her that she needed to refinance that home to meet that obligation. Of course, the fully indexed cost of that mortgage blew through her fixed income as a retiree. She came very close to losing the home. We stepped in. The bank stepped up, was embarrassed by what it had done. She ended up keeping the home but only because, candidly, she was a witness before a Senate committee. Had she been out there in Chicago without any other recognition or notoriety, I am not sure she would have fared as well as she did when she achieved some notoriety in appearing before the committee.

The bank in question was sitting at the table next to her, so they decided to work it out in her case. But literally hundreds of thousands of people across the country were not so fortunate. Again, they were lured into these arrangements our colleague has talked about.

I thank him for his amendment. We have had a lot of discussions about this matter. In the last Congress we put together a whole bill on predatory lending, and yield spread premiums was one of the key provisions.

What I would like to suggest, if he would be amenable, this is a matter that needs to be revived. We had a hearing almost 2 years ago now so it has gotten a little dated in terms of

the information. As chair of the committee, I would like to ask him, as a new member, whether he would be willing to chair a hearing on the subject matter of predatory lending, including yield spread premiums, and arrange that in the coming weeks. My intention would be that as we move forward to deal with the modernization of financial regulations, that this is an area we will want to include as part of our consideration of that larger bill.

I, for one, would look forward to some specific ideas that we could use to address this kind of problem. I thank him for bringing the matter to our attention this evening. I look forward to working with him on this matter as well.

Mr. MERKLEY. Mr. President, I deeply respect and appreciate the fact that the chairman has done so much to bring public attention to these important issues over the past several years. I would be delighted and honored to have the opportunity to assist with hearings as described on predatory lending and to refresh this conversation about how we, as a Congress, can reach out and assist working Americans to make sure that in the future they will not find that the dream of home ownership is turned into a nightmare, as it has been through steering payments, through prepayment penalties for so many in the near past. I would be deeply honored.

Mr. DODD. I thank our colleague. He is, obviously, very knowledgable about this area, as is the Presiding Officer. It is tremendously important in this body. My two colleagues are relatively new Members, but believe me, they could not be here at a more opportune time with their backgrounds and experiences for this debate and discussion.

As a senior Member, I welcome their presence in the Senate. I look forward to working with our colleague from Oregon and to include his idea as part of a larger bill on predatory lending.

Mr. MERKLEY. I thank the Senator from Connecticut.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I ask unanimous consent to call up amendment No. 1025 to the pending bill, and I ask that amendment be made pending.

The PRESIDING OFFICER. Is there objection?

The Senator from Connecticut.

Mr. DODD. Mr. President, reserving the right to object—and I said to my friend, this is not a personal matter—we are trying to get a finite list of the amendments and get time agreements on all of them. I have had to object to other amendments being offered—laying aside temporarily the pending amendments—both on the minority side as well as the majority side. It is with reluctance, I say to my friend, that I will have to object.

My hope would be that he would let us have the amendment and the arguments, and so forth, so we could take a look at it—Senator SHELBY and I. If we could agree in some way or work on something together so we could possibly accommodate him or give him a clear indication of some time so we can debate it and discuss it and go forward, that is my intention.

With that, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Mr. President, if I might speak to the amendment for a few moments.

I offered a similar amendment last week to the fraud recovery bill and was told at the time—and, of course, cloture ultimately was invoked on that bill, and I was told it was not germane. So it fell postcloture.

In order to make it germane to this underlying bill—in fact, I was told at the time last week, when I brought it up, it would be germane to the housing bill, which would be considered next. So I decided I would offer this amendment again. But running into the same sort of question about whether this amendment would be germane postcloture, I have adapted the amendment so it is germane to the underlying bill.

I will tell you, I would have preferred keeping it in its original form because, essentially, it would have taken TARP moneys repaid to the Federal Treasury by lending institutions and applied them to debt reduction. That was the amendment in the form it was in last week when I offered it to the fraud recovery bill. I still think that is a good, sound idea: As TARP funds are paid back into the Federal Treasury, rather than being recycled or used on some other Government program, we apply it to debt reduction.

Lord knows we are spending and borrowing enormous amounts of money. The least we could do when these moneys are paid back is put them toward paying down the Federal debt so we are not handing this enormous—enormous—bill to our children and grandchildren.

But, as I said before, in order to get this amendment in a form that it would be germane postcloture, I have revised it. I will describe it in a minute. But I wish to start by saying, on October 7, 2008, we all know Congress passed the Troubled Asset Relief Program, or TARP, as part of the Emergency Economic Stabilization Act. It authorized $700 billion for the purchase of toxic assets from banks, with a goal of restoring liquidity to the financial sector and restarting the flow of credit in our markets.

The Department of Treasury, however, without consultation with Congress, changed the purpose of TARP and began injecting capital into financial institutions through a program called the Capital Purchase Program, or CPP, rather than purchasing toxic assets.

Financial lending was not increased with the implementation of the CPP and the expenditure of $218 billion of TARP funds, despite the goal of the program.

Those receiving funds through CPP are now faced with additional restrictions related to accepting those funds. A number of community banks and large financial institutions have expressed their desire to return those CPP funds to the Department of Treasury. Treasury has, in fact, begun the process of accepting receipt of these funds. However, because of the financial stress test Treasury is currently conducting, it is possible Treasury will restrict some banks from returning funds they received from the CPP.

I mentioned last week when I offered the amendment to the fraud recovery bill that there were banks I was aware of that were not able at the time to return funds to the Treasury. They were told they couldn't. They had money from the TARP, they were banks that were in good financial standing, and they wanted to pay back that TARP money and couldn't do it. I believe now, at least, the Treasury is working with a number of banks to try and receive some of these monies that the banks want to pay back, but it is entirely possible, because of these stress tests, that some banks will be restricted from returning funds they received from the CPP.

In his testimony before the TARP congressional oversight panel on April 21, 2009, Secretary Geithner stated that Treasury estimates $134.6 billion of TARP funds are still available. What is interesting about that number is that in that figure, he includes $25 billion they expect to receive back from banks under CPP. Geithner also stated he believes that $25 billion is a conservative number and that private analysts, of course, are predicting that more—much more—is going to be returned. But the important point is that of the $134.6 billion that Treasury Secretary Geithner referred to in terms of TARP funds that will be available, $25 billion of that is in the form of payments they expect to receive back from banks under the CPP.

So my point is there is money coming in, and rather than using that to pay down the debt, which I think many of us assumed was going to be the use of those funds if they came back in, that they are sort of planning on, it looks like, recycling back into TARP or, perhaps—I hope not but perhaps—using them for some other purpose.

Section 120 of the Emergency Economic Stabilization Act terminates the authority for TARP funds on December 31, 2009, and the Secretary can request an extension to that deadline not later than 2 years after enactment, which would be October of 2010. But keep in

mind, that restriction only applies to Treasury's issuance of new loans and does not cover the reuse of previously issued assistance that was returned to the Treasury. So there is no prohibition on the Treasury using these recycled TARP funds.

The TARP Reduction Priority Act, which is the subject of my amendment, reduces TARP authority by any amount returned by a financial institution to Treasury. So instead of having TARP monies that are returned from the banks back into the Treasury applied to debt reduction, what I do now with this amendment—in order to have it fit within the confines of this bill and to remain germane should, in fact, cloture be invoked—is reduce the TARP authority by whatever amount is returned by a financial institution to the Treasury. In other words, the TARP amount—the amount that would be available for lending under TARP—as it is paid back, monies come back from the banks, the TARP lending amount is reduced commensurate with the amount that is returned, so that those monies cannot be recycled. Once they have been out there and returned by the banks, they can't be recycled and reused or put to some other purpose.

Let me also say that until the December 31, 2009 expiration date, and possibly longer—again, if the Secretary is granted an extension—that without this legislation, Treasury can continue to use TARP funds, including those repaid in any manner they see fit. It is certainly not what Members of Congress envisioned when this legislation passed last year. These are taxpayer dollars. They should not become a discretionary slush fund for the administration. Under the Constitution, Congress controls the power of the purse, and I, as do many Members of Congress and others around the country, have major concerns regarding the Treasury's handling of TARP funding. If the new administration, the Obama administration, or the Treasury Department believes it needs additional funding to address problems in the financial sector, they should come to Congress for that authority.

Inspector General Neil Barofsky stated in his quarterly report to Congress that there are 12 separate programs being funded under TARP involving up to $3 trillion of government and public funds. Amazingly, that is the equivalent amount of the size of the entire Federal budget. It certainly wasn't what Congress was told the funding would be used for.

Mr. Barofsky also mentioned in his April 4, 2009 CBO report—he estimated that TARP would cost the Federal Government $356 billion, meaning that the Treasury will only be able to recover $344 billion or approximately 49 percent of the $700 billion that was originally allocated by the Congress.

When this program was initially pitched to Congress—and my colleagues in the Senate should remember—Secretary Paulson at the time argued that the Government would end up making money once those toxic assets were sold after the economy recovered. Clearly, this is no longer the case. Barofsky's report spans 247 pages. It says the very character of the bailout program makes it:

> Inherently vulnerable to fraud, waste, and abuse, including significant issues related to conflicts of interfacing fund managers, inclusion between participants, and vulnerabilities to money laundering.

So again, the point of the amendment is very simple; it is very straightforward. All I am trying to do is to make sure the TARP funds, as they come back in, when they are repaid by banks, are not recycled, they are not reused, they are not put into some program which the inspector general says in his report is inherently vulnerable to fraud, waste, and abuse; that it actually be used to reduce the amount of the TARP authority. It is the best solution we could come up with short of applying those repaid funds to deficit or to debt reduction which, as I said, was the original form of this amendment, but under the rules of the Senate, to make sure it is germane, this is the approach we have selected. I think it accomplishes the same purpose. It makes certain that the monies that come back in, that are paid back by banks that have received TARP funds are not reused, reallocated, put into some other purpose or some other fund, but it actually is reducing the amount of TARP authority that is available to be used and, therefore, protecting taxpayer interests and taxpayer dollars that were extended under this program in the first place.

So I hope my colleagues, when they are making final determinations about which amendments are going to be on the so-called list—and it seems to me, at least, that on a bill such as this, a housing bill, it ought to be wide open to amendments and we ought to be able to get votes on some of these amendments but evidently the leaders on the other side have concluded they are going to limit those amendments and try to come up with some finite list—I hope they will include this amendment on that list. I think it makes sense. It is perfectly fitting with the purpose of the underlying bill, which is a housing bill.

TARP funds, of course, were supposed to deal with the credit crisis, the housing crisis, and I would hope this amendment would be one that the other side, as they make those decisions about which amendments are going to be allowed to be debated and voted on with respect to the base bill, that this amendment will be on that list. I think it makes a lot of sense.

I hope some of the other amendments my colleagues have offered also will be allowed to be voted on. I think that is the way the Senate is intended to work and to function. All Members of the Senate are supposed to be able to come to the floor and offer amendments and have those amendments debated and voted upon. It seems to me that sort of arbitrarily putting in place a construct that limits amendments and picks and chooses ones that get voted on does not represent the heritage and the tradition of this body. I hope my colleagues who are managing the bill on the floor will decide what I think is in the best interests of this institution, and that is that these amendments all be offered, be debated, and be voted on, and I hope this certainly is the case with the amendment I put before the Senate right now.

With that, I yield back the balance of my time and I hope this amendment can be made pending and get voted on whenever we get back on the underlying bill.

Mr. GRASSLEY. Mr. President, it is no secret that I have worked for decades to bring greater transparency and accountability to all facets of government operations. If there is one thing that I have learned over those years it is that you cannot achieve the goal of greater transparency and accountability without access to information.

During this financial crisis, we hear daily about the need for many more billions in Federal funds to save this bank or that financial firm. In response to the crisis the Treasury Department is buying stakes in banks and other companies. That program is known as the Troubled Asset Relief Program or TARP. It is costing the American taxpayer nearly three quarters of a trillion dollars. Transparency and accountability has never been more important than with a program that big.

In an effort to provide some accountability to the American people for TARP funds, the Government Accountability Office, GAO, the investigative arm of Congress, was required by legislation to conduct oversight of the TARP program.

The GAO's mission is to look at the overall performance of the initiative and its impact on the financial system. The GAO is also required to prepare regular reports for Congress.

However, GAO cannot do its job effectively without access to information about how the funds are used. This should be obvious. Unfortunately, however, the bill that created the TARP and told GAO to oversee it, did not give them the authority to access books and records of the private firms that receive TARP money.

In January, Senator BAUCUS and I introduced a bill, S. 340, to provide the GAO the ability to access the books and records of firms who received money from the TARP. Senator SNOWE is also a cosponsor of the bill, known as the TARP Enhancement Act. Unfortunately, my colleagues on the Banking Committee have not yet taken any action on the bill.

Amendment No. 1020 is simply the text of S. 340. It would ensure that companies that receive assistance from the American taxpayer are required to

cooperate with requests for information from the Government Accountability Office about how they used taxpayer money.

The GAO is supposed to be the ''eyes and ears'' of Congress. Well it can't do that job wearing blinders and ear plugs. So I urge my colleagues to support amendment No. 1020, to ensure that GAO has access to TARP recipients' books and records.

Mr. President, in March the Finance Committee held a hearing on the progress and oversight of the Troubled Assets Relief Program, TARP. At that hearing, we heard testimony from acting Comptroller General, the head of the Government Accountability Office, GAO. He testified that in addition to the problem that S. 340 is intended to fix, there is another major gap in GAO's access to information about the TARP. It is not just firms that take taxpayer money who can say ''no'' to GAO's requests for information. The Federal Reserve can too.

The GAO is prohibited by law from auditing the the Federal Reserve. Perhaps that restriction was defensible back when the Federal Reserve focused on monetary policy. However, today it is routinely exercising extraordinary emergency powers to subsidize financial firms far above the levels Congress is willing to authorize through legislation. The Federal Reserve is taking on more and more risk in complicated and unprecedented ways. That risk is ultimately borne by the American taxpayer, but the elected representatives of the taxpayers have not had a say in the Federal Reserve's activities or even a reasonable level of transparency to make sure we understand how much risk taxpayers are on the hook for.

The GAO testified at our hearing that the Federal Reserve is heavily involved in two new TARP programs announced since March of this year. It is also responsible for managing huge portfolios of troubled assets it took on in the bailouts of Bear Stearns and AIG. According to GAO testimony, as of March 27, 2009, Treasury has announced initiatives that are projected to use $590.4 billion of the $700 billion in TARP funds authorized by Congress. However, the projected assistance in these initiatives by the Federal Reserve could be up to $2.9 trillion by GAO estimates. In addition, the Federal Reserve has a variety of other facilities it has established to address the financial crisis adding up to another $1.5 trillion.

Despite these enormous numbers, there is a statutory limitation prohibiting GAO from examining the Federal Reserve. That provision is now in direct conflict with the mission that Congress gave GAO to monitor and report on the TARP.

Amendment No. 1021 would fix this conflict by allowing the GAO to provide Congress a complete and independent view of all the TARP programs, including those with Federal Reserve involvement, such as the Term Asset Loan Facility, TALF, and the Public Private Investment Partnership, PPIP. It would also allow the GAO to examine other extraordinary Federal Reserve actions, such as its acceptance of risky assets from Bear Stearns and AIG.

I urge my colleagues to support amendment No. 1021. Let's not give GAO an important mission to do with a blindfold on. Let's take off the blindfold and let the professionals at GAO take a good hard look on behalf of the American people at what the Federal Reserve is doing.

MORNING BUSINESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PARTY AFFILIATION CHANGE

Mr. REID. Mr. President, I have a letter addressed to the Vice President from Senator SPECTER notifying the Senate of his decision to switch his party affiliation from Republican to Democrat and that he will now caucus with Senate Democrats. While the letter is dated April 29, it was just received today, Thursday, April 30. I ask unanimous consent that the letter be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, April 29, 2009.

The Hon. JOSEPH R. BIDEN, Jr.,
Vice-President and President of the U.S. Senate, Washington, DC.

DEAR VICE-PRESIDENT BIDEN: I write to inform you that I will be changing my party affiliation from Republican to Democrat. I will be caucusing with the Democrats, effective immediately.

Sincerely,

ARLEN SPECTER.

HONORING OUR ARMED FORCES

CORPORAL WILLIAM CRAIG COMSTOCK

Mr. PRYOR. Mr. President, today, I come to the floor to honor Cpl William Craig Comstock of Van Buren, AR. His life and service to our country embody the full measure of the Marine Corps motto, ''Semper Fidelis,'' meaning ''always faithful.''

We lost Corporal Comstock when he paid the ultimate sacrifice while serving in Iraq's Anbar Province. Comstock was on his second tour with the 2nd Supply Battalion, Combat Logistics Regiment 25, 2nd Marine Logistics Group, II Marine Expedition Force, Camp Lejeune, NC. Working as an ammunition technician on his first tour in Iraq, he earned a Purple Heart for his bravery after sustaining a gunshot wound in the knee. Ever faithful to his Corps, he volunteered in January to return to Iraq a second time. He told his family he wanted to make that sacrifice for his fellow marines who he knew were eager to return home to see their own.

Coporal Comstock was loved by many. Those who knew him remember him for his wide smile, independent spirit, and warm heart. He was proud to be a U.S. marine, and the Marines were proud to have him. His awards include the Sea Service Deployment Ribbon, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, and the National Defense Service Medal.

Even before joining the Marines, family, colleagues, and friends say Coporal Comstock lived by the ''Semper Fidelis'' motto. As an Alma High School football star, he played on despite an injured shoulder, refusing to let his teammates down. One of his football teammates, Nick Harrison, will graduate from Marine Corps basic training next month. Harrison's mother said it was Coporal Comstock that inspired her son to enlist.

Coporal Comstock was a loyal teammate to his fellow U.S. marines and planned to make a career in military service. Coporal Comstock's memory will live on through his friend Nick Harrison and others like him who selflessly serve our country in Iraq and Afghanistan. We are grateful for his service and my prayers are with his family during this difficult time.

A DECADE OF INACTION

Mr. LEVIN. Mr. President, last Monday marked the tenth anniversary of the tragic shooting at Columbine High School. The prior Thursday was the second anniversary of the tragic shooting at Virginia Tech. These horrific anniversaries have become far too common. Since the shooting at Columbine, I have spoken regularly on the Senate floor about the pressing need for common sense gun safety legislation. Unfortunately, Congress has failed to act.

Even a decade later, the very mention of Columbine High School strikes a nerve with those who hear it. Many of us can still recall with eerie detail the chaotic scenes of hundreds of terrified children running from their school as SWAT-teams descended on the building, searching for two adolescents who, before taking their own lives, murdered 12 innocent students, a teacher, and wounded two dozen others.

In the years that have followed, those closest to the event have recounted how they are constantly reminded of that day by the fragments of ammunition in their bodies or the physical scars from wounds suffered that day. Many victims have described shuddering at the sight of a trench coat or being instantly transported back to the incident from the sound or smell of fireworks. The physical and emotional pain these victims have endured should be intolerable to us. Yet

Congress has refused to take the necessary steps to prevent it.

Our Nation suffers from a horrific epidemic of gun violence. Over 30,000 Americans die from firearms every year, nearly 12,000 of which are homicides. That is an average of 32 gun murders every day, the same number killed at Virginia Tech. While we all hope and pray that these types of public tragedies do not happen again, the truth is that the threat of gun violence has not diminished.

Gun violence is preventable, however, it requires action. Without action, gun violence will continue to be found in our high schools, universities, religious institutions and our homes. For too long, victims and their families, educators and police officials around this country have cried out for sensible gun legislation that would keep guns out of the wrong hands, close the gun show loophole, reauthorize the assault weapons ban and aid law enforcement agencies in tracking gun traffickers. Passage of such legislation would serve as monumental steps toward ensuring these types of tragedies do not continue. Congress must do everything possible to reduce the level of gun violence in America.

ASIAN PACIFIC ISLANDER AMERICAN HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to the millions of Asian Pacific Islander Americans for their significant contributions and service to strengthen this great Nation, and to join the Nation in celebrating Asian Pacific Islander American Heritage Month.

This month-long tribute would not be complete without recognizing the visionaries who founded Asian Pacific Islander American Heritage Month: U.S. Senator DANIEL INOUYE, former U.S. Senator Spark Matsunaga, former Secretary of Transportation Norman Y. Mineta, and former U.S. Representative Frank Horton. As a result of their steadfast leadership, a joint resolution established Asian Pacific Island American Heritage Week in 1978, and the celebration was later expanded to an entire month in 1992.

This celebration takes place in May to mark the first Japanese immigrants' arrival in America in 1842, as well as the completion of the Transcontinental Railroad in 1869—which would not have been finished without the hard work and dedication of Chinese laborers.

Today, our Nation faces its trials and tribulations as it sees harsh economic times. People throughout the country are losing their homes and their jobs and we must come together as a community and remain strong and dignified. The Asian Pacific Islander American community constitutes one of the fastest growing minority communities in the United States, with over 13 million Asian Pacific Islander Americans in the country. Despite these economic hardships, members of the Asian Pacific Islander American community have continued to take positions of leadership and have worked hard to secure a brighter future for all.

Asian Pacific Islander Americans are making great strides both in the private and public sectors. Members of the Asian Pacific Islander American community have been named to key appointments in President Barack Obama's administration and at other levels of government. As Asian Pacific Islander Americans advance to positions of power and leadership, we can ensure that the voice of the community is being heard.

While we celebrate the many accomplishments and the promising future of the Asian Pacific Islander American community, we must not forget the history of Asian Pacific Islander Americans in this country. The Angel Island Immigration Station has a significant place in Asian Pacific Islander American history. Declared a National Historic Landmark in 1997, Angel Island served as the entry point in the West for over 1 million immigrants from 1910–1940. This includes approximately 175,000 Chinese immigrants who were detained at Angel Island before they were granted entry to San Francisco. Along with Representative LYNN WOOLSEY, I sponsored the Angel Island Immigration Station Restoration and Preservation Act, which passed in both the House and the Senate in 2005, authorizing $15 million of federal funds for the Angel Island Immigration Station Preservation Project. After 3½ years since it was closed for restoration, Angel Island reopened this February and will educate the public about the immigration experience and the significance that it holds for many immigrant families today.

After the recent passage of the American Recovery and Reinvestment Act of 2009, benefits were finally granted to long-time Filipino veterans of World War II. The act recognizes the service of these veterans and includes a provision which allocates $198 million to the Filipino veterans for their defense of the Philippines, a commonwealth under the United States during World War II. We must praise and commend these brave soldiers for the sacrifices they made during their service in the Armed Forces.

The idea of family is important to Americans and continues to be at the center of the Asian Pacific Islander American value system. It is imperative that we do what we can to keep families united to ensure that immigrants and children receive the support to sustain a livelihood in the United States.

I have continued to support immigration initiatives, such as comprehensive immigration reform and have supported family reunification. I authored legislation to reform the treatment of unaccompanied immigrant children who are in Federal immigration custody. The bill gives unaccompanied minors access to pro bono legal counsel and requires family reunification whenever possible.

We must recognize that the Asian Pacific Islander American community is diverse, not only in language, culture and foods, but in education and socio-economic levels as well. That is why it is so important to provide talented students who have clearly embraced the American dream the incentive to take the path toward being a responsible, contributing member in our civic society.

I have cosponsored the DREAM Act of 2009 to give undocumented high school students who wish to attend college or serve in the Armed Forces an opportunity to adjust to a lawful status and pursue these goals. If it becomes law, the DREAM Act would help Asian Pacific Islander Americans and others triumph over adversity.

As future generations of Asian Pacific Islander Americans continue to strive for excellence in our educational system, economy, and communities, I am pleased to honor and distinguish the many triumphs and accomplishments of the Asian Pacific Islander American community and their role in shaping our Nation's identity.

MAERSK ALABAMA HEROES

Ms. MIKULSKI. Mr. President, this month the Nation was gripped by the pirate attack on Maersk Alabama off the coast of Africa. Today, I rise to cheer Captain Richard Philips, for his bravery and valor, and the Navy SEALs, for securing the Captain's safe return.

We also need to honor the Merchant Marines who did not give up their ship. Though unarmed, using their wits, grit and training, they saved their ship—an American flag-ship—and the much-needed food aid they were carrying to the desperately poor of Africa.

The 20-man crew of the Maersk Alabama belonged to the American Merchant Marines. They were sailing a U.S.-flag vessel carrying 17,000 metric tons of cargo to Mombasa, Kenya.

I am so proud that many of them trained in Maryland at Calhoon MEBA Engineering School in St. Michael's or at the maritime training school in Piney Point. Here, they learned how to navigate at sea, operate and repair ships, and how to handle a pirate or terrorist attack. Here, they received the education to sail the sea with skill that allowed them to save their ship with courage.

Thirteen of the 20 crew members aboard the Maersk Alabama trained in Maryland; 4 at Calhoon MEBA Engineering School and 9 at the Paul Hall Center for Maritime Training and Education.

Richard Matthews of St. Michael's was an engineer aboard Maersk Alabama. He trained at Calhoon MEBA Engineering School, as did three others aboard the ship: Ken Quinn, the ship's second mate who called CNN from the ship; Michael Perry; and John Cronan.

John Cronan later told the ''Today'' show: ''We didn't have to retake the ship because we never surrendered it. We're American seamen. We're union members. We stuck together and did our jobs.''

Twelve crew members aboard the Maersk Alabama are members of the Seafarers International Union, SIU. Many of them trained at SIU's maritime school, the Paul Hall Center for Maritime Training and Education, in Piney Point, MD. It is the largest training facility for deep sea merchant seafarers. It teaches skills for sailors and seafarers, such as how to maintain a boat engine and how to secure a ship from pirates. I salute the SIU members aboard the Maersk Alabama for their patriotism and pluck and for their refusal to surrender their ship.

This incident reminds us of the importance of the Merchant Marines. Often unseen and unappreciated, they are vital to our economic security and our national security. They are our eyes and ears on the water. They are experts in marine safety, environmental protection and the new and latest technology. They keep our ports safe and our commerce flowing.

They are the Ready Reserve. They are there in war, transporting vital military aid and supplies to our troops. They are there in peace, supplying aid to those most in need—just as the Maersk Alabama was doing when the pirates attacked. They are prepared to risk their lives defending their flag.

Let's salute the Merchant Marine, not just for what they did aboard the Maersk Alabama, but for what they do, what they stand for, their proud tradition. The Merchant Marine tradition is one of saving America time and time again. They have been the Nation's fourth arm of defense since the American Revolution.

President Roosevelt called our Merchant Marines ''heroes in dungarees'' because during World War II these gallant men braved the waters of the North Atlantic and the dangers of the Murmansk run to keep our troops overseas fed and clothed. They have fought on the front lines of every war since then—from Korea, Vietnam and the Persian Gulf to the Iraq War. They were there on 9/11, ferrying thousands of people to safety in New York. They were there in the aftermath of Hurricanes Katrina and Rita. And they have been there providing food to starving children in Ethiopia, Somalia and dozens of other regions around the world.

The maritime community has been a major player in my personal and political history, from growing up in east Baltimore to my early days in Congress on the Merchant Marine and Fisheries Committee. I got my start in politics by representing blue collar workers in Baltimore, the shipyard workers and the dock workers.

I am relieved by the safe return of the Maersk Alabama's crew and captain and I am grateful for all of those involved in their safe rescue and return: the Navy and their elite Navy SEALs squad and President Obama and his administration for handling the hostage situation with great skill.

As we welcome them home, let us acknowledge not just their heroism off the horn of Africa, but the everyday heroics of our Merchant Marines; their skills and training, their patriotism and proud tradition, and the role they play every day, in every way, supporting our troops, guarding our ports, keeping our economy strong and safeguarding our interests overseas.

TRIBUTE TO JUDY COLLINS

Mr. LEAHY. Mr. President, Marcelle and I have been privileged to have known Judy Collins for years. We have heard her sing in New York, in Washington, DC, and in Vermont, and every time we have been thrilled. I have even been known to call her phone just to hear her sing on her answering machine.

The New York Times on April 23 of this year wrote a review of her current engagement at the Café Carlyle, and I talked with Judy about it. I know that she and Louis keep a very busy schedule, but I just wanted to congratulate her on another well deserved review.

I would ask unanimous consent to have the New York Times article printed in the RECORD.

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

[From the New York Times, Apr. 23, 2009]

FOLK GODDESS DESCENDS FROM HER LOFTY PEDESTAL

(By Stephen Holden)

It wasn't always so. But nowadays a Judy Collins concert is a seamless flow of music and storytelling. Alternating between the guitar and the piano, Ms. Collins offers a version of a personal musical history that is too complicated and rich to be covered in a single evening.

On Tuesday night at the Café Carlyle, where she began a six-week engagement, the emphasis was on her folk-music side, and for more than half the show she accompanied herself on acoustic guitar, with Russell Walden assisting on piano and backup vocals.

Her song ''Mountain Girl,'' performed early in the evening, set the tone. Ms. Collins grew up in Colorado, and her silvery vibrato-free voice might be described as an Alpine instrument. Especially when she sings a cappella, it has the ringing purity of a voice emanating from a lofty altitude and reverberating in an endless echo chamber of mountain passes. Ms. Collins, who will turn 70 on May 1, has miraculously retained her upper register. The higher she sings, most of the time with perfect intonation, the more she projects the ethereality of a flute played by the wind.

The influence that propelled her from a piano prodigy who played Mozart, she recalled, wasn't the sound of the Weavers or Woody Guthrie, but that of Jo Stafford on her 1950s folk albums. In particular it was Ms. Stafford's recording of ''Barbara Allen,'' first heard on the radio, that drew Ms. Collins away from classical piano. And as she sang this ballad of unrequited love, death and grief, her vocal similarities with Stafford, who died last year, were striking. Both singers expressed a demure self-containment in unadorned phrases that imbued their performances with faraway longing.

In recent years Ms. Collins has descended from the folk-goddess pedestal to emerge as a funny, self-effacing Irish-American storyteller, and the tension between her pristine singing voice and her salty reminiscences lends her shows a theatrical dimension. She reminisced at length about her first meeting with Leonard Cohen, who had no confidence in his talents until she recorded his song ''Suzanne.'' He returned the favor by persuading her to take up songwriting.

Her wildest tale described an adventure in Chicago on a winter night in which she caroused until 3 a.m. with two folk-singing colleagues, one of whom gave her a handgun for protection during the walk back to her hotel. Once safely in her room, she tried to remove the clip, and the gun went off.

Those were the wild old days to which Ms. Collins increasingly alludes in her shows. The more she talks about her itinerant life as a folk musician, the more you want to know. The high point of the show was her rendition of a recent Jimmy Webb song, ''Paul Gauguin in the South Seas.'' The song, which describes the painter's retreat from civilization in a search for paradise that eventually landed him in the Marquesas Islands, evokes the quest of any artist for sacred ground that has never been visited: an elusive place Ms. Collins conjures when her voice soars.

TRIBUTE TO BUDDY AND JULIE MILLER

Mr. LEAHY. Mr. President, Marcelle and I have gotten to know Buddy and Julie Miller over the years—especially with their friend of ours, Emmy Lou Harris. So many times when I have traveled I have listened to Buddy and Julie's music on my headphones and one of the great thrills I had was when they dedicated a song to Marcelle and me years ago at the Birchmere.

The Wall Street Journal this week wrote an excellent article about the ''first couple of Americana.'' I ask unanimous consent that it be printed in the RECORD.

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

[From the Wall Street Journal, Apr. 28, 2009]

BUDDY AND JULIE MILLER: FIRST COUPLE OF AMERICANA SINGS OF SETBACKS AND SORROWS

(By Barry Mazor)

NASHVILLE—By virtue of their broad musical accomplishments, Buddy and Julie Miller have essentially reigned since the mid-1990s as the unpretentious but royal couple of Americana music, that lovably motley modern-roots music genre derived from the American music traditions of country, folk, gospel, roots rock and more. Their CDs, whether recorded together or individually, have consistently garnered high praise for both the songs they write for them and for the often touching, sometimes feisty country-soul delivery. Their long-incubating new release, ''Written In Chalk'' (New West Records), is no different in that regard.

Songs of theirs have been recorded by everyone from country hit makers Lee Ann Womack, Patty Loveless, the Dixie Chicks and Dierks Bentley, to jazz great Jimmy Scott. Mr. Miller was seen bringing his always coveted, tasteful guitar work behind Alison Krauss and Robert Plant on this year's Grammy Awards show, as he did throughout their recent tour of major arenas. (Led Zeppelin veteran Mr. Plant performs a comic duet with Mr. Miller on the

new release.) And Mr. Miller has produced records for Solomon Burke, Jimmie Dale Gilmore and Allison Moorer.

Still, Mr. Miller, 56, and the more flamboyant Mrs. Miller, 52, are by temperament genuinely modest, and each, during separate recent interviews, remarked on being taken aback by the international outpouring of good wishes and concern that followed Mr. Miller's triple-bypass surgery. He'd felt a heart attack coming on after a Feb. 19 performance with Emmylou Harris, Patty Griffin and Shawn Colvin in Baltimore.

''The first month was rough; then it got better,'' Mr. Miller noted. ''I feel like I'd been beaten with baseball bats by a couple of the Sopranos, but I'm doing good. I've got a free pass to rest—no dates until June.

''You know, after the heart attack and surgery, a side effect was that all my senses were really heightened. For a week or so, I could smell somebody down the hall and my hearing was really heightened. And that kind of beautiful note that John Deaderick plays on keyboards on the record, the kind that really hurts you, would make me start weeping uncontrollably. It was kind of cool; I was hoping I could hold on to part of that—although it wouldn't be so good on stage!''

Nine of the dozen songs on ''Written In Chalk'' were written by Mrs. Miller, and—some comic change-ups and love songs with attitude aside—most of them concern loss or learning to be reconciled with personal setbacks, as titles such as ''Everytime We Say Goodbye'' and ''Hush, Sorrow'' suggest. As many fans of the Millers are generally aware, Mrs. Miller has not been seen on stage harmonizing with Mr. Miller or engaging in their George Burns-Gracie Allen style badinage for the past five years. She's been sidelined by the severely exhausting, painful condition fibromyalgia and by the sudden loss of her brother, killed when he was struck by lightning. Some of the new songs that seem most to reflect that experience in particular were, in truth, composed before the event.

''One of the things that sort of broke me,'' Mrs. Miller recalls, ''was that I went to Texas to be with my mother after my brother died, and when she asked about the record I'd been working on for half a year before that, I couldn't remember one single thing about it, not a note. When I came back to Nashville and found the notebook with those songs in it, they were all so strangely prophetic that it freaked me out.''

As a practical matter, Mr. Miller's packed schedule and Mrs. Miller's physical restrictions made it difficult to get this record made, delayed it, and inevitably affected the nature of their collaboration on it. There are, for instance, fewer outright duets on the record than on previous joint efforts.

''I worked on this so long, starting and stopping in between tours,'' Mr. Miller recalls, ''that it was hard to gain perspective on it. It started out as her record, but she couldn't finish it, and it went back and forth. It's difficult for Julie to start and stop; she kind of gives everything together, everything she's got. So she would just get started sometimes and I'd have to go back on the road, which was really, really difficult for her—and that went on for years.''

''It's funny,'' Mrs. Miller says. ''We live just a few blocks from Music Row, where people make appointments to meet and write songs for three hours. But I have to get totally lost in my soul and go oblivious to time and space and surroundings—and Buddy's the only person I can do that with. But he's been so busy and structured, and me so completely not. Unless I'm pressured, it's like I have my own radio station going that I can just tune into for songs; it's like whoever is doing the songwriting in me is playing, and three or four years old. Once you let them know they have to do it, they can't handle it.''

It's more than a little surprising, but Mrs. Miller has not actually heard the released ''Written In Chalk'' CD. ''Is that ridiculous?'' she asked. ''I never listen to anything I'm on after it's recorded, because I'm always tormented; I'll wish there was something I hadn't done.'' With the record overdue, Mr. Miller finished mixing the recordings in their state-of-the-art home-based studio, as he would most of the time—but to speed getting the job done at last, he did it with headphones on, so Mrs. Miller couldn't hear the sonic calls he was making, a source, they both admit, of some tension.

Mrs. Miller, however, characterizes her husband as ''one of the all-time great singers in the universe, with a unique sound—strong yet feeling very deeply, and emotionally vulnerable.'' And Mr. Miller says that the songs his wife writes ''are unique, not contrived; they come from such a pure place. She never writes anything that hasn't come from somebody's experience that's affected her. There's a place of innocence and depth at the same time that really gets me.''

Mr. Miller hopes, he says, that the many songs his wife has backed up and stored will still yield an outright Julie Miller album sometime soon, but that's far from a foregone conclusion. He, meanwhile, is already booked to finish producing a gospel CD for Patty Griffin, to return as musical director of the Fall Americana Music Awards, and then to get to work on a record project with the jazz- and country-influenced Bill Frisell and Marc Ribot.

Whatever (and whenever) the musical outcomes, the Millers can be sure that there's an audience waiting expectantly—with considerable love.

TRIBUTE TO MARILYN BERGMAN

Mr. LEAHY. Mr. President, I am happy to have this opportunity to honor the many accomplishments and contributions of my good friend, Marilyn Bergman. Marcelle and I have had the pleasure of knowing both Marilyn and her husband Alan for years. They are as accomplished songwriters as I have ever met. For the past 15 years, Marilyn has served as the distinguished president and chairman of the board of the American Society of Composers, Authors and Publishers, a position never before held by a woman.

Marilyn's list of achievements is vast and impressive. Her work as a champion of the arts has brought about many important changes. She was instrumental in developing ''A Bill of Rights for Songwriters and Composers''—an initiative designed to raise public awareness of the tremendous contribution and rights of those who make music. In addition, she has gone to great lengths to support and promote the work of female songwriters.

This month, Marilyn will step down from her position as chairman of the board of ASCAP and will move on to the next phase of her career. I know that she will bring the same commitment to excellence and vitality to all of her future endeavors and Marcelle and I wish her only the best.

I ask unanimous consent that the text of an April 8, 2009 ASCAP press release describing Marilyn's work be printed in the RECORD.

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

[From an American Society of Composers, Authors, and Publishers Press Release on Apr. 8, 2009]

MARILYN BERGMAN TO STEP DOWN AS PRESIDENT AND CHAIRMAN OF ASCAP AFTER 15 YEARS

LOS ANGELES/NEW YORK: April 8, 2009: Three-time Academy Award-winning songwriter Marilyn Bergman today announced her decision to step down as President and Chairman of the Board of ASCAP (the American Society of Composers, Authors and Publishers). Her successor will be elected by the ASCAP Board of Directors during their next meeting later this month.

Bergman was the first woman to be elected to the ASCAP Board of Directors and was named President and Chairman of the Board in 1994. She will continue to serve as an active Board Member.

Commenting on her decision, Bergman said: ''I am grateful to have had the honor of serving as the President and Chairman of ASCAP for 15 years, and am exceedingly proud of all that was accomplished during my tenure. I will continue to be a passionate advocate for all music creators through my work on the ASCAP Board of Directors. But in terms of the Presidency itself, I see that now is the right time to step down.''

Bergman noted that she and her writing partner and husband, Academy Award-winning songwriter Alan Bergman, have a number of new projects in the works which require her focus. ''Alan has always been supportive of the time that my ASCAP Presidency required. But with so much exciting work before us, I feel it's time that I fully devote myself to my first calling: writing. So I look forward to shifting my energy back to our work, while having the privilege to continue to serve ASCAP and my fellow music creators.''

The Bergmans have just completed work on Steven Soderbergh's film, The Informant, with composer Marvin Hamlisch, and are currently working on two musical theatre projects, one with Marvin and one with Michel Legrand. They are also at work on Visions of America: A Photo Symphony Celebrating the Sites and Songs of Democracy with renowned photographer Joseph Sohm and composer Roger Kellaway. This was premiered at the Kimmel Center-Verizon Hall on January 25, 2009 in Philadelphia with Peter Nero and the Philly Pops.

A Strong Legacy of Advocacy, Education and Growth

Bergman's 15-year tenure as President and Chairman of the Board of ASCAP was marked by a series of noteworthy achievements, all of which have had a positive and lasting impact on music creators.

As a passionate voice for the rights of music creators, Bergman has a strong presence on Capitol Hill. She helped lead ASCAP to several major legislative victories, including most notably the Supreme Court's decision in 2003 to uphold the Sonny Bono Copyright Term Extension Act of 1998, which extended copyright protection an extra 20 years—to the life of the author plus 70 years. Other legislative highlights include:

Helming ASCAP through the modernization of the Federal consent decree that governs ASCAP's operations.

Leading ASCAP's lobbying effort that helped secure the passage and signing of the Digital Millennium Copyright Act in 1998—bringing the U.S. into line with World Intellectual Property Organization treaties and strengthening music copyrights on the Internet.

Serving on the National Information Infrastructure Advisory Council (NIIAC) from 1994

to 1995, at the request of Vice President Al Gore. Serving two terms (from 1994 to 1998) as President of CISAC, the International Confederation of Performing Right Societies.

Most recently, Bergman played a key role in the launch of A Bill of Rights for Songwriters and Composers, an ASCAP advocacy and awareness-building initiative designed to remind the public, the music industry and Members of Congress of the central role and rights of those who create music.

Bergman was also instrumental in the launch of the ASCAP I Create Music EXPO, the premier conference for songwriters, composers and producers. The 4th annual EXPO is set to take place at the Renaissance Hollywood Hotel in Los Angeles, April 23–25, 2009.

She has also been a strong supporter of educating young people about the creative process and the rights inherent in the creation of music. Programs established under her leadership include:

The ASCAP Foundation Children Will Listen Program—created in honor of ASCAP member and musical theatre great Stephen Sondheim (West Side Story, Gypsy!, Pacific Overtures, A Little Night Music) to provide the musical theatre experience to a generation of students who might not otherwise have this opportunity.

The ASCAP Foundation Creativity in the Classroom Program—designed to help students recognize their own creative work, to understand their rights as owners of intellectual property and to respect the ethics of protecting the creative property of others.

The Donny the Downloader Experience in partnership with i-SAFE Inc., the worldwide leader in Internet safety education—an interactive school assembly program aimed at educating middle school students on what it means to be a music creator and the real cost of music piracy.

The Junior ASCAP Members (J.A.M.) Program in partnership with MENC: The National Association for Music Education—created to support and nurture music students, and to educate them on the value of music and the importance of intellectual property rights.

She also supported the development of The ASCAP Foundation/Lilith Fair Songwriting Contest—a national competition designed to encourage unsigned women songwriters, cosponsored by The ASCAP Foundation and Lilith Fair.

''From the moment she assumed the role of President and Chairman of the Board, Marilyn worked tirelessly on behalf of our membership to the benefit of all music creators,'' said John LoFrumento, CEO of ASCAP. ''She has been tremendously effective in helping ASCAP anticipate the changing needs of our members—particularly given the immense shifts that have occurred in music, technology and society as a whole over the past decade. I will greatly miss the insights and collaborative spirit that she brought to our working relationship. But I am comforted to know that Marilyn will remain a strong and active presence on our Board of Directors.''

Bergman presided over the largest expansion of ASCAP membership in the history of the organization—growing from 55,000 when she assumed the Presidency in 1994 to a current membership of more than 350,000 music creators.

100 YEAR BIRTHDAY OF GLENROCK, WYOMING

Mr. BARRASSO. Mr. President, 100 years ago today, folks living in Glenrock, WY, voted to incorporate their town. While April 30, 1909, was Glenrock's official birthday, the town had been a vibrant and active place for decades prior.

Pioneers traveling through the Wyoming territory in the late 1800s chose to stay in the sheltered area where Deer Creek met the Platte River. Deer Creek Station became a popular rendezvous for the wagon trains and settlers traveling westward on their way to a new life.

Eventually, a community was formed. The settlers chose to call their town Glenrock, after a rock that was used by the pioneers as a landmark.

Over the years, energy has been the backbone of Glenrock's economy. First coal, then oil, and now wind, providing energy to Wyoming and America is a history the people of Glenrock embrace.

Today, the citizens of Glenrock kick off a year-long celebration of their community. I join them in honoring the brave pioneers who preceded them, and send best wishes as the town of Glenrock looks toward the next 100 years.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

I appreciate a lot of what you stand for and accomplish in DC. I am a high school teacher in Idaho and have chosen to take a $10,000 cut in pay to have the opportunity of teaching privately instead of remaining in the public system. So, in addition to all the common woes of teachers, I have no benefits and a smaller paycheck.

I ask not for more pay; I only work 180 days a year, for crying out loud. But I hold to that centuries-old conviction—that the free American can provide for himself, his community, his beloved nation, and for the world around him when he so chooses. But the regulated, restrained, and restricted American will find himself captive and controlled as he watches the oppression, long familiar to the history of mankind, push individual freedoms aside in favor of the omniscience of a well-meaning government.

I, with my wife and six children, used to travel every summer to Mexico and the Western states. We no longer do so, but we need no assistance from the Senate. We used to visit Yellowstone and Craters of the Moon every spring and fall. We no longer do so, but we need no assistance from the Senate. We used to drive to visit grandparents in California every Christmas. We no longer do so, but we need no assistance from the Senate. Please, as you fought against climate change legislation, fight also against any financial assistance that would result in using tax monies.

Our country flourishes best when its people are trusted to be wise beyond mere elections. Too many politicos clamor for wisdom of the people in elections, but then refuse to admit that popular wisdom remains to allow for proper local self governance.

Help remove the restrictions that so cruelly keep us dependent on others' petroleum sources. Help remove the regulations that falsely inflate corn prices. Help remove the restraints that continue to dim the American spirit of ingenuity, entrepreneurship, and liberty.

Perhaps, if Congress relinquishes their tightening grip on the energy sector, I can return to the South rim of the Grand Canyon with my wife and children to once again marvel at glory that God has repeatedly demonstrated in my country.

JASON, *Rigby*.

I live in the wonderful town of Hagerman. I met you personally one fall evening after you and other friends had spent the day duck hunting and were in a very close game of shuffle board. The town of Hagerman enjoys our fame for the duck hunting and the people it brings to our town. The sport of hunting is not cheap, and now with the gas prices??

I work for Con Paulos Chevrolet in Jerome. It is 33-mile trip one way. It used to cost $30.00 to $40.00 a week to get to my job. Now it is $60.00 plus. Same car, a minivan, 2005. How do our farmers and ranchers survive with their pick up 44 and the farm produce trucks? So gas is up, food is up and Idaho Power needs a rate hike again. Our salaries in southern Idaho are not up. Companies cannot afford any raises due to all the ups. The oil companies report massive earnings, yet we are paying and paying and paying. Why cannot someone put a cap on the gas? Stop it dead; just say no. The gas speculators would have to deal with that, the oil companies should be sued by the people they are gouging and get busy building refineries and spend some of that money we are paying them for better fuels or give it back.

Does it seem to you that the Middle East has been planning our demise for some time now? It is working. The panic is just around the corner; why cannot we see it coming?

DEANA, *Hagerman*.

P.S. I was impressed with one thing about you the evening we met. You drank water!

I am a recent graduate of BYU-Idaho, and I still live in Rexburg. I have a job working for an engineering firm in Idaho Falls. Each day I commute the 30 miles to work. This commute is becoming increasingly expensive, and I am considering alternatives on how to get to work and back. Public transportation is limited to Idaho Falls, and I am the only one from work who comes from Rexburg making it difficult to carpool. One thing I have done is bought a Honda Accord. It gets good gas mileage and reliability to save on the travel costs. I would like to buy American-made cars if they could match the reliability and economy of some of the foreign cars. With the high-cost of gasoline driving my focus though, I am forced to spend our American dollars on foreign cars.

I know the automakers are rapidly trying to change, but in the meantime, they are losing money, making it more difficult.

I also know firsthand that research currently being done at the INL on syngas production from nuclear power plants coupled with hydrogen production plants could completely revolutionize the gasoline market. It would allow us to still use gasoline, and so not have to change our infrastructure, but we would never have to dig any more fossil fuels. We could make our own hydrocarbons chemically. If done the right way, this process would also be an almost zero pollution process. The carbon would come from garbage, sewage, and mulch already being collected at local dumps and waste treatment facilities. Rather than rot and naturally send methane and carbon dioxide into the atmosphere (that so many people seem to be worried about these days), it would be used in the production of hydrocarbons. The carbon that would already be entering the atmosphere through the decomposition process would just be intercepted and used it in our fuel. A patent has already been filed on this technology. I feel like one way to help in lowering energy costs is to give groups like this one in Idaho ample funding to develop these technologies. The budget on that program is entirely too small.

If you are looking for areas to get funding from, I would suggest rerouting some of the money being sent to help out ''honest'' consumers who did not realize they were getting into a debt-trap by overspending, overborrowing, and over-mortgaging their lives. It is a sad situation, but fiscal responsibility will never be instilled in our minds if the government is always standing by with a handout. In the long run, a future catastrophe could be avoided if we ride this crisis out and educate our consumers but do not give a handout. People are still responsible for their actions, even if millions are guilty of them. A $300 billion handout does not seem like it teaches us as consumers anything.

Thank you for considering my comments; I hope they are helpful. If you have any further questions or comments, I would love to talk.

BRYANT, *Rexburg*.

Thank you for the opportunity to vent on energy. I believe we should look past the current prices and look to be energy independent ASAP. There is so much technology available in almost all areas of energy. Renewable sources such as solar wind and hydro should be promoted along with bios out of byproducts and waste. Fuel from our food bad idea. Assistance for private enterprise to facilitate the distribution of hydrogen gas since the current energy providers do not want to make the investment because it will cost them. Let them know it will really cost them if they do not move in that direction the tech for hydrogen is amazing and profitable at $4 as I understand it, production cost on large scale would be under $3 per gallon and is our best long term source. Combine that with solar as the tech becomes available our cars and homes and roads etc. will be painted with solar collectors. Right now! It should be required to have a posting of where fuel comes from (nation of origin) like seafood so we can choose not to support our enemies even if it costs us more. States should make the decisions on mining exploration and development of resources. Help the innovations get power to the people. This should be what saves freedom and liberty. Get the government out of the way and let free I mean really free enterprise be allowed to work remove the restrictions on new refineries and development of hydrogen gas take all the red tape out of the way and let us get with it and nuclear power as well. Let us do it and do it now.

HAROLD.

I am a wife and mother of two children with another on his way (July 21st C-section is planned). We are a family who strongly believes in the importance of the mother staying at home in a child's early years to ensure confidence, morals, and stability is taught before each child starts school. Due to these strong beliefs, we are a one-income family living off $39,500 per year before taxes and church tithing. Living on such a strict budget to ensure that I can stay home with my young children has not been easy over the last few years. We do not enjoy conveniences most Americans take for granted so we do not have to put our children in someone else's care. For example, we do not subscribe to the newspaper, cable or satellite television, any magazines, and until having the need for my husband and I to finish our degrees in an internet-based university, we did not have home internet access for six years.

Financially, we have been struggling for years; however, now gas, energy, food, health care, and utility prices have consistently risen at such enormous rates, I am facing having to leave my young children and new baby in daycare and go back to work. Even so, when I was working before and my children were just babies, my paycheck went straight to daycare and I was lucky to break even financially. Obviously, I quit to tend to my own children to ensure they were getting the nurturing they needed and due to the fact that my family financial contribution was canceled out by daycare costs. Even though I have a degree now, I will have three children as well, and I cannot imagine I will be able to find a high enough paying job to break even anywhere in the Boise area. With the economy and housing instabilities, the last thing our family wants to risk is moving to another area for an insecure job and not being able to get back into a house, which is the only secure item in our lives right now. So, we are stuck . . . not to mention I have such incredibly low confidence, (after just graduating at the end of May), that my husband and I could support a larger family; thus, I am having my tubes tied. These economic stresses are taking control of our way of life, family, future goals, and now even the size of our family (and therefore future generations of our family).

How do we battle the high rise in gasoline and energy costs (and everything being affected by these prices) when employee income levels have been stagnant or only rising 2–3% for years? Expenses have risen from 10% to 200% on varying services and products. The economy has spun out of control and, for Idahoan families like ours, we feel completely helpless and in dire straits for the future. Just making ends meet from paycheck to paycheck and trying our best to stay out of credit card debt has been tough enough, but now with two sets of student loans going into repayment with no hope of an income increase and yet substantial increases in necessity items, what hope do we have of ever saving a dime for retirement or kids' college expenses? The future is looking extremely dim, and we feel trapped. I guess my husband and me, both college-educated and wanting to obtain MBAs, may have to give up on our dreams and get two jobs a piece and put our children in full-time day and night child care to make ends meet. The sad thing is I do not feel any confidence this will be a short-term sacrifice but the way of life for the future. I only see things getting worse. I have lost confidence our country will ever get to a better place economically. America may have to change the border patrol to the Mexican side as Americans may start jumping the border soon to a better life down in Mexico!!

Thank you for your time and what you are doing to try to get us out of this mess.

JANIEL, *Boise*.

I read your e-mail regarding your request as to how high energy prices have been affecting me and my family, and may I say the effect has been positive. Now that gasoline prices more accurately reflect what actually is happening in the global market, I have been taking steps to reduce my gasoline consumption.

Primarily, my family and I are no longer taking unnecessary trips, but are trying to consolidate trips to the store or other venues so as to maximize the efficiency of our trips, rather than taking repeat trips to the same or nearby locations. We are attempting to carpool as much as possible, and have been utilizing alternative forms of transportation such as bicycling. Also, I have been altering my driving techniques in order to be more fuel efficient, for example, driving slower, and slowing and accelerating more gradually.

All these techniques are simple and painless, as well as being beneficial both economically and environmentally. It is unfortunate that those of you who have the power to act to change how we as a nation utilize our energy lacked the perspicacity to make changes in our energy policy which would likely have prevented, or at least softened the impact from these market changes.

However, now that the market has taken over, I believe it would be disingenuous of you to attempt ''reform'' that would ultimately lead to more of the same. Please allow the market to drive oil prices upward. This will result in ordinary citizens such as me conserving fuel, which will lead to diminished greenhouse gases and less global warming. It will also allow alternative forms of clean and renewable energy to be more competitive in the global market, encouraging entrepreneurship which will stimulate our lagging economy, create new jobs, and will be a market driven path to decreased greenhouse gas emissions and reduction in global warming.

I hope you have the courage and the integrity to evaluate what is currently occurring in the energy market rationally. Please do not interfere with the counterproductive and likely ineffectual means you are proposing.

FRANK.

I would like to tell you about how the high energy prices are affecting me personally, as well as my family. I am an outside salesperson with my company, and as such, I must travel around to see different clients as well as potential clients. Even though I do not necessarily travel great distances as in metropolitan areas, the distances between towns here in the Magic Valley are substantial. So, in order to service my clients and get new business, I have gone from spending approximately $150 per month in fuel to almost $300 per month, and that with cutting back on who I see. My salary is based on sales, so the more I see and sell, the more I make. With cutting back on where I go and who I see, my potential for better earnings, for my family, is greatly inhibited; and with the increase in fuel, I have actually taken a decrease in pay!

Then there is the issue of my parents who are on a fixed income, with the increase in their fuel costs and the costs at the grocery store, results from the increase in fuel. They have no choices!

I believe that we need more domestic oil production, from drilling where there is plenty of supply, to more refineries, to whatever it takes! We here in rural Idaho do not

have mass transit, or any other alternative. I believe it is high time that Congress stop catering to Big Oil and conservationists who do not have a clue. Please help your constituents!

VERN, *Twin Falls.*

Thank you for soliciting and receiving emails about the high energy prices. As is so often heard these days, ''something has to be done''. We are a middle class, working family with two adult children (one in the Coast Guard, one soon to leave for college) and one teen driver (yikes!) still at home. I could elaborate on and on about how gas prices are affecting all of us but will try to keep it concise. We had been planning a congratulatory vacation to Hawaii for our family for quite some time—to congratulate one son for graduation from high school and to honor our son in the Coast Guard for his promotion. Due to gas prices, we have had to scale down our trip and will now be camping on the beach in Oregon. Our youngest is working full time, so we have given him the use of our fuel-efficient car to get to and from work. He is unable to ride a bike due to traffic and for his safety. Therefore we are using a vehicle (not by choice) that is not fuel-efficient to commute to work. In an effort to keep it affordable, we are carpooling and will soon be taking the motorcycle safety course in hopes to utilize a motorcycle. Using a motorcycle is only a band aid as it will not help in the winter. We have been looking for a used fuel-efficient vehicle, but the prices have climbed dramatically and they are very hard to find. I am so disappointed in the gas mileage for all cars on the market. I know that our country can improve this. Hondas and Toyotas for example have gotten over 30 mpg for many years. Why cannot we raise the bar and demand at least 35 mpg?

My husband and I have discussed the huge ''trickle-down'' that the gas prices will have on the economy. Because of the high gas prices, we have chosen to cut out other services. We are no longer subscribing to the Idaho Statesman (which we have always taken), we will be discontinuing our home phone service and are cutting back any way we can. I know of other people such as us who are doing the same. The impact of these cutbacks is just beginning to be seen, such as with Starbucks, Round Table and other businesses closing. We understand that we will be contributing to this downturn by cutting back on services but it is necessary.

Again, thank you in advance for your help with this matter.

GAIL and DENNIS.

Here is an addition to the testimonials you asked for recently concerning the effects on the high price of fuel. Not only am I going broke due to high gas prices, food costs, etc., but also this is the first year we have had to scratch items off the grocery shopping list. This is literally taking food of the table and taking food away from my family.

DEWEY, *Idaho Falls.*

ADDITIONAL STATEMENTS

GEORGE J. MITCHELL SCHOLARSHIP PROGRAM

• Mr. CASEY. Mr. President, as our world continues to face unprecedented challenges, now more than ever, we must work with our allies and friends. I support the work of the George J. Mitchell Scholarship Program which seeks to strengthen relations between the United States and Ireland. Like the great man it is named after, the George J. Mitchell Scholarship Program fosters connections between future generations of American leaders and their Irish counterparts, regardless of ancestry. It seeks to further the education of American students through post graduate studies while building bonds between the Mitchell Scholars and the Irish and the Northern Ireland communities in which they live and study.

Like many Pennsylvanians, my family can trace its ancestry to Ireland. Through the generations, our connection with and affinity for the Emerald Isle has deepened. However, with fewer and fewer Irish moving to America, it is critical that we encourage all Americans, not just those with Irish ancestry, to forge connections with the Irish people. While Irish Americans have become Mitchell Scholars, so too have young Americans from different backgrounds.

The Commonwealth of Pennsylvania will soon be welcoming Alexandra Chirinos, who will work as a judicial law clerk for the Honorable Legrome Davis in the Federal Eastern District of Pennsylvania. Alexandra was born in Mexico and graduated from the University of Texas, Austin. Her college thesis explored the factors that cause migrant women to endure domestic abuse and examined the reasons why existing abuse prevention programs were ineffective in migrant communities. She founded the UT Bilingual Mentoring Program as well as the Hispanic Scholarship Fund Scholar Chapter dedicated to providing academic and service opportunities for students of all backgrounds. As a Mitchell Scholar, she obtained her MA in human rights law from the National University of Ireland Galway and Queen's University, Belfast. She then graduated from Harvard Law School, where she was the executive editor of the Latino Law Review, the copresident of the Latin American Law Society and one of the founding members of the Harvard Immigration Project.

Alexandra's journey and commitment to intellectual achievement, leadership, and public service is just one example of the many young Americans participating in and being inspired through the George J. Mitchell Scholarship program. The bond between Pennsylvania and Ireland will only deepen as Dan Rooney of Pittsburgh, PA, is the President's nominee to become the next U.S. Ambassador to Ireland. In that capacity, I fully expect Dan to advance the cause of peace among the Irish people and to continue developing relationships between the United States and Ireland like those created through the George Mitchell Scholarship Program.•

REMEMBERING MILFORD JUNE ''DOLLY'' COOPER

• Mr. GRAHAM. Mr. President, I ask my fellow colleagues to join me in honoring the memory of a dedicated servant and leader, Milford June ''Dolly'' Cooper. After a lifetime of unprecedented service to his State and Nation as a World War II veteran and a member of the South Carolina House of Representatives, Mr. Cooper passed away in Greenville, SC, on April 26, 2009, at the age of 88.

While he will be remembered by most as a man who loved to help people and demonstrated an unwavering dedication to the community, I will remember him as a spirited, commanding, honest giant of a man. Affectionately referred to as ''Dolly'' by all who knew him, he was a World War II veteran who prepared to make the ultimate sacrifice on behalf of our freedom. He served in the 30th Infantry Division and saw 11 months of combat in Europe, at Normandy, at the Battle of the Bulge, and at the Rhine River. He was also involved with the capture of the last large German city, Madgeburg, which was 45 miles from Berlin. For his service he was awarded the Purple Heart, Bronze Star, American Defense Silver Medal, the Combat Infantry Badge, and the Belgian Forragere Award.

Perhaps one of my greatest honors was to see that Mr. Cooper was in person at the dedication of the National D-day Memorial on June 6, 2001. This memorial is a tribute to Mr. Cooper's valor, fidelity, and sacrifice, and those who served along side him during the allied invasion of Western Europe.

Born and raised in upstate South Carolina, Mr. Cooper attended Piedmont High School in 1937 and joined the South Carolina National Guard in Easley. After his service in the military, Mr. Cooper opened the Piedmont Economy Store, which he solely owned and operated from 1955 to 1999.

In 1974 he was elected to the South Carolina House of Representatives on a platform of bringing health care services to rural South Carolina. Mr. Cooper served House District 10 for 16 years.

In addition to his time in politics, Mr. Cooper was active in the Pelzer Lions Club for 55 years. He was member of the Medical University of South Carolina Board of Trustees from 1989 to 1996. Mr. Cooper also served as a board member for the Pelzer Rescue Squad, the Appalachian Health Council, and the Baptist Hospital Boards for Easley and Columbia. After decades of serving South Carolina, Mr. Cooper was awarded the Order of the Palmetto from Governor Carroll Campbell in 1989.

Mr. Cooper is survived by his wife of 61 years, Melba Blackmon Cooper, by his four children, six grandchildren, and three great-grandchildren.

I ask that the U.S. Senate join me in commemorating Mr. Cooper's lifelong dedication to service to our country and to the State of South Carolina.•

25TH ANNIVERSARY OF THE HALEKULANI HOTEL

• Mr. INOUYE. Mr. President, the Halekulani is, without question, one of

the signature hotels of Hawaii. It is synonymous of the interweaving of luxury hospitality and Hawaii's unique history and local culture. Its roots trace back some 200 years when Princess Likelike and ancient Hawaiian fishermen named its Waikiki beachfront location Halekulani, or the ''house befitting heaven.''

This year, the Halekulani is celebrating the 25th anniversary of its reopening in 1984, following a grand property-wide renovation by its current owners, Mitsui Fudosan, USA, Inc., a branch of one of Japan's leading companies.

This new chapter for the Halekulani builds on its fabled history, and strengthens and expands its international reputation for excellence and community involvement. The Halekulani is more than a unique visitor experience with open courtyards, lush gardens, ocean breezes, and a spa that offers the healing touch of Polynesian traditions; it is also an enthusiastic promoter of Hawaii's history and the arts, sponsoring the Honolulu Symphony's ''Halekulani Masterworks'' and offering guests special access to Hawaii's leading museums and historic buildings.

In 1907, the original Halekulani opened as a residential hotel owned by Robert Lewers that was called the Hau Tree with a beachfront home and five bungalows. Ten years later, Juliet and Clifford Kimball bought the hotel, renamed it the Halekulani, and began catering to well-do-to travelers. In 1962, the Norton Clap family of Seattle bought the hotel, and sold it 39 years later to Mitsui Fudosan, USA.

While each owner of the Halekulani sought to enhance the hotel's distinctiveness in different ways, all four shared a common goal: a commitment to excellence that remains unwavering.

I congratulate the Halekulani as it celebrates the 25th anniversary of its reopening, and as it looks forward to a bright future. I am certain its owners will continue their best efforts to maintain the Halekulani as a landmark hotel, a leader in the international travel and visitor industry, and an icon of Hawaii.●

TRIBUTE TO LIEUTENANT COLONEL MARGARET JOHNSON

● Mr. ISAKSON. Mr. President, today I honor in the RECORD of the Senate LTC Margaret A. Johnson of the Georgia Army National Guard on the occasion of her retirement after 22 years of service.

Lieutenant Colonel Johnson, who is from Macon, GA, graduated from Wesleyan College in 1969 with a bachelor's degree in English, and in 1976 received a master's degree in English from the University of South Florida. In 1980 she graduated from Mercer University's Walter F. George School of Law with a juris doctor degree. Lieutenant Colonel Johnson took her impressive resume to the Georgia National Guard and was commissioned as first lieutenant into the Judge Advocate General Corps.

During her 22 years of service, Lieutenant Colonel Johnson was given many challenging assignments throughout the United States, and rose to the challenge on each and every occasion. When her country asked her to serve in support of Operation Enduring Freedom, she answered the call and has spent the last 2 years on active duty. Lieutenant Colonel Johnson culminated her career as the deputy staff judge advocate for the Office for the Administrative Review of the Detention of Enemy Combatants, Arlington, VA, where she rose to the challenge once again and performed her job duties excellently. She provided much-needed leadership for a legal department that had to quickly respond to ever changing standards established by Congress and the Federal courts.

In testament to her service, Lieutenant Colonel Johnson was awarded the National Defense Service Medal, the Army Reserve Components Achievement Medal, the Armed Forces Reserve Medal, the Global War on Terrorism Medal and the Georgia Meritorious Service Medal. I honor LTC Margaret A. Johnson on the occasion of her retirement, and I extend to her my sincere gratitude for her dedication to the defense of our nation. I know that Lieutenant Colonel Johnson's children, Mary Catherine Johnson and Margaret Amy Allen, are so proud of their mother for her long and distinguished career, and I would also like to express my gratitude to them as well.●

50TH ANNIVERSARY OF THE ASTRONAUTICS CORPORATION OF AMERICA

● Mr. KOHL. Mr. President, today I acknowledge the outstanding achievements of the Astronautics Corporation of America which will be celebrating its 50th anniversary in Milwaukee on May 31, 2009. I want to share a bit of background with my colleagues about the Astronautics Corporation and recognize their vital contribution to Milwaukee and the Nation.

The Astronautics Corporation of America was established in 1959 when Nate Zelazo and a small team of experienced engineers started their own company devoted to advanced technology in the aerospace field. Since then, the company has become a trailblazer in developing and manufacturing military and commercial electronics. Their products are used throughout the world in a wide range of sea, ground, and aerospace applications. Today, more than 100,000 aircraft use Astronautics flight instruments, displays, computers, and components. The company keeps jobs in Wisconsin while building technology systems that keep our service men and women safe.

It is with great pride that I wish the Astronautics Corporation of America congratulations on their 50th anniversary and continued success as innovators.●

TRIBUTE TO THE LYME-OLD LYME FIRST ROBOTICS TEAM

● Mr. LIEBERMAN. Mr. President, I wish today to honor the ''Techno Ticks,'' the FIRST Robotics team from Lyme-Old Lyme High School in Old Lyme, CT, which won the Chairman's Award at the 2009 International FIRST Robotics Championship. The Chairman's Award is the most prestigious honor given out at the FIRST competition, which this year included 348 teams from most states in the United States as well as Brazil, Israel, Canada, and Mexico. It is awarded to the team that best represents a model for other teams to emulate, and which embodies the goals and purposes of FIRST.

FIRST—For Inspiration and Recognition of Science and Technology—was established in 1989 to inspire young people's interest and participation in science and technology through a variety of mentor-based programs that help young people develop skills in science, technology, and engineering. Every year, the FIRST Robotics Competition challenges teams of high school students to design and build robots from a kit of hundreds of parts. The teams then control their robots in a game against other teams. The goal of this program is not just to teach students about robotics, but help them to develop general problem solving abilities as well as self-confidence, communication skills, and leadership.

Before participating in the International Competition, the Techno Ticks won the Chairman's Award at the Connecticut FIRST Robotics Competition for the 7th year in a row—a record amongst the more than 1700 FIRST teams now in operation worldwide. This remarkable record of success is a testament to the hard work and dedication of head coach William Derry and all the students and faculty who have been a part of the Techno Ticks over the last 11 years. The team has also benefitted from the efforts of many volunteers and supporters, including mentors from local businesses that generously share there time and expertise with the team.

At a time when our Nation's ability to sustain a growing economy and create good jobs at home increasingly depends upon our achievements in science and technology, the FIRST competition has helped to instill in many young people a thirst for discovery that leads so many to pursue a career in the physical sciences. It is hardly surprising that so many former Techno Ticks have gone on to study engineering. Two years ago, I was fortunate enough to attend the Connecticut regional competition in Hartford, and I couldn't help but be amazed by the creativity and dedication the Ticks and all the other teams put into building their robots.

I offer my congratulations to Coach Derry and the Lyme-Old Lyme Techno Ticks for winning the Chairman's Award at the 2009 International FIRST Robotics Championship and commend

all the faculty members, volunteers, mentors, and supporters who were instrumental in their victory.●

41ST BRIGADE DEPLOYMENT

● Mr. WYDEN. Mr. President, today I wish to show my appreciation for the dedication and commitment of the Oregon National Guard. They are the best that Oregon has to offer. The best our Nation has to offer. I am honored, this weekend, to personally see off the largest Oregon guard deployment since World War II.

Right now, 2,700 citizen soldiers from across my State are gearing up for a 10-month deployment to Iraq, and I am positive that their actions will bring honor to the United States and to the great State of Oregon.

Despite progress, Iraq remains a dangerous place. But our National Guard soldiers are well-trained, well-led and well-equipped. I know they will do their best to complete their missions and return to their families. I also know that our Nation has done its best to give them the tools they need to do so safely and expediently.

I have been fortunate enough to meet with many of Oregon's citizen soldiers more than once—first in the dust and heat of southern Idaho last summer then in their armories in the days leading up to training at Camp Roberts. I made a promise to see them off when they are deployed and I intend to be there to welcome all of them home after their courageous service is complete.

These are uncertain times—not only in the United States but around the world. It is a world that is once again turning its eyes toward America for leadership and inspiration. Now, more than ever, it is time for America to be strong for those in need.

The Oregon National Guard is the face of that strength. Our men and women in uniform are this country's greatest representatives to the world. While being strong, we must also demonstrate our values through compassion, justice, and integrity.

I realize these soldiers have a difficult road ahead, which will involve both professional and personal struggles. Whether this is their first deployment or their fourth, their dedication and commitment will be tested on a daily basis—but, courage and determination are their hallmarks.

Members of the Oregon National Guard are exactly the kind of soldiers that our Founding Fathers believed could best defend this Nation—volunteer citizen soldiers with roots in the community and a patriotic spirit.

I salute Oregon's great band of citizen soldiers. May God bless them and see each and every one of them home safe.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:23 a.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

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 or 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.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 12:33 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 735. An act to ensure States receive adoption incentive payments for fiscal year 2008 in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 46. An act to provide for payment of an administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with the housing choice voucher program of the Department of Housing and Urban Development.

H.R. 1913. An act to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

The message further announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 45. A joint resolution increasing the statutory limit on the public debt.

The message also announced that pursuant to 22 U.S.C. 6913, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. LEVIN of Michigan, Co-Chairman; Ms. KAPTUR of Ohio; Mr. HONDA of California; Mr. WALZ of Minnesota; Mr. WU of Oregon; Mr. SMITH of New Jersey; Mr. MANZULLO of Illinois; Mr. ROYCE of California; and Mr. PITTS of Pennsylvania.

The message further announced that pursuant to 44 U.S.C. 2702, and the order of the House of January 6, 2009, the Speaker re-appoints the following member on the part of the House of Representatives to the Advisory Committee on the Records of Congress: Mr. Joseph Cooper of Baltimore, Maryland.

The message also announced that pursuant to 44 U.S.C. 2702, the Republican Leader reappoints the following member on the part of the House of Representatives to the Advisory Committee on the Records of Congress: Mr. Jeffrey W. Thomas of Ohio.

The message further announced that pursuant to section 333(a)(2) of the Consolidated Natural Resources Act of 2008 (Public Law 110–229), the Republican Leader appoints the following member on the part of the House of Representatives to the Commission to Study the Potential Creation of a National Museum of the American Latino: Mr. Danny Vargas of Herndon, Virginia, as a voting member.

Furthermore: Dr. Aida Levitan of Key Biscayne, Florida, and Mrs. Rosa J. Correa of Bridgeport, Connecticut, were previously appointed and shall remain voting members.

At 5:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 627. An act 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.

The message also announced that pursuant to section 333(a)(2) of the Consolidated Natural Resources Act of 2008 (Public Law 110–229), the Republican Leader appoints the following member on the part of the House of Representatives to the Commission to Study the Potential Creation of a National Museum of the American Latino: Mr Nelson Albareda of Miami, Florida.

Furthermore: 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.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 46. An act to provide for payment of an administrative fee to public housing agencies to cover the costs of administering family self-sufficiency programs in connection with the housing choice voucher program of the Department of Housing and

Urban Development; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1913. An act to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

H.J. Res. 45. Joint resolution increasing the statutory limit on the public debt; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 627. An act 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.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1484. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Additions and Revisions to the List of Approved End-Users and Respective Eligible Items for the People's Republic of China (PRC) Under Authorization Validated End-User (VEU)'' (RIN0694–AE61) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–1485. A communication from the Associate Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Part 90 of the Commission's Rules'' (WP Docket No. 07–100) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1486. A communication from the Deputy Chief Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Rail Transportation Security'' (RIN1652–AA51) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1487. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Keweenaw Waterway, Houghton, MI'' ((RIN1625–AA09)(Docket No. USCG–2009–0132)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1488. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Intracoastal Waterway (ICW), Beach Thorofare, Atlantic City, NJ'' ((RIN1625–AA09)(Docket No. USCG–2008–0995)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1489. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Diego Bay, San Diego, CA'' ((RIN1625–AA00)(Docket No. USCG–2009–0044)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1490. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Jordan Bridge Demolition, Elizabeth River, Chesapeake and Portsmouth, VA'' ((RIN1625–AA00)(Docket No. USCG–2009–0217)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1491. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; April to May Naval Underwater Detonation; Northwest Harbor, San Clemente Island, CA'' ((RIN1625–AA00)(Docket No. USCG–2009–0222)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1492. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Sea World Spring Nights; Mission Bay, San Diego, California'' ((RIN1625–AA00)(Docket No. USCG–2009–0154)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1493. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Red River, Minnesota'' ((RIN1625–AA00)(Docket No. USCG–2009–0240)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1494. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Waters surrounding Berth 7 at the Port of Oakland, San Francisco Bay, CA'' ((RIN1625–AA00)(Docket No. USCG–2009–0278)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1495. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Areas: Herbert C. Bonner Bridge, Oregon Inlet, NC'' ((RIN1625–AA11)(Docket No. USCG–2009–0225)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1496. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation; Volvo Ocean Race 2009, Nahant, Boston Harbor, Massachusetts'' ((RIN1625–AA08)(Docket No. USCG–2008–1268)) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–1497. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Adequacy of Iowa Municipal Solid Waste Landfill Permit Program'' (FRL–8899–7) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Environment and Public Works.

EC–1498. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''American Recovery and Reinvestment Act of 2009 (Recovery Act) Addendum to Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees'' (FRL–8899–1) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Environment and Public Works.

EC–1499. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: Transportation Conformity Requirement'' (FRL–8898–4) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Environment and Public Works.

EC–1500. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Morpholine 4–C6–12 Acyl Derivatives; Exemption from the Requirement of a Tolerance'' (FRL–8409–1) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Environment and Public Works.

EC–1501. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pennsylvania: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL–8898–7) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Environment and Public Works.

EC–1502. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: The 2009 Critical Use Exemption from the Phaseout of Methyl Bromide'' (FRL–8899–5) received in the Office of the President of the Senate on April 29, 2009; to the Committee on Environment and Public Works.

EC–1503. A communication from the Acting Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''No FEAR Act: Fiscal Year 2008 Annual Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–1504. A communication from the Acting Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties First Quarter Fiscal Year 2009 Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–1505. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination in the position of Deputy Director of National Drug Control Policy, received in the Office of the President of the Senate on April 30, 2009; to the Committee on the Judiciary.

EC–1506. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Haw River Valley Viticultural Area (2007R–179P)'' (RIN1513–AB45) received in the

Office of the President of the Senate on April 30, 2009; to the Committee on the Judiciary.

EC–1507. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''USERRA Quarterly Report to Congress; Second Quarter of FY 2009''; to the Committee on Veterans' Affairs.

EC–1508. A communication from the Acting Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, ''Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account''; to the Committee on Armed Services.

EC–1509. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Increase in Tax Rates on Tobacco Products and Cigarette Papers and Tubes; Floor Stocks Tax on Certain Tobacco Products, Cigarette Papers, and Cigarette Tubes; and Changes to Basis for Denial, Suspension, or Revocation of Permits (2009R–118P)'' (RIN1513–AB70) received in the Office of the President of the Senate on April 30, 2009; to the Committee on Finance.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Kristina M. Johnson, of Maryland, to be Under Secretary of Energy.

*Steven Elliot Koonin, of California, to be Under Secretary for Science, Department of Energy.

*Ines R. Triay, of New Mexico, to be an Assistant Secretary of Energy (Environmental Management).

*Hilary Chandler Tompkins, of New Mexico, to be Solicitor of the Department of the Interior.

*Scott Blake Harris, of Virginia, to be General Counsel of the Department of Energy.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SHELBY:

S. 932. A bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. STABENOW, Mr. SCHUMER, Mr. DURBIN, Mr. BROWN, Mrs. GILLIBRAND, and Ms. KLOBUCHAR):

S. 933. A bill to amend the Federal Water Pollution Control Act and the Great Lakes Legacy Act of 2002 to reauthorize programs to address remediation of contaminated sediment; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself, Ms. MURKOWSKI, Mr. CONRAD, Mr. BENNET, Mr. CASEY, Mr. LEAHY, Ms. KLOBUCHAR, Mrs. GILLIBRAND, and Mr. BROWN):

S. 934. A bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CONRAD (for himself, Mr. HATCH, Mr. CRAPO, Mr. ROBERTS, Mr. WICKER, Mr. VITTER, Mr. VOINOVICH, Mr. CHAMBLISS, Mr. ISAKSON, Mr. COCHRAN, Mr. BUNNING, Mr. KERRY, Ms. STABENOW, Mr. HARKIN, Mr. WYDEN, Mr. SPECTER, and Mr. ALEXANDER):

S. 935. A bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. VOINOVICH, Mr. WHITEHOUSE, Mr. MENENDEZ, and Mr. BROWN):

S. 936. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Mr. WHITEHOUSE, and Mr. MENENDEZ):

S. 937. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes; to the Committee on Environment and Public Works.

By Ms. LANDRIEU (for herself, Mr. BURR, Mr. DODD, Mr. LEVIN, Mr. BEGICH, Mrs. HAGAN, Mr. BAYH, Mr. JOHNSON, Mr. CASEY, Mrs. LINCOLN, and Mrs. GILLIBRAND):

S. 938. A bill to require the President to call a White House Conference on Children and Youth in 2010; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU:

S. 939. A bill to establish national and State putative father registries, to make grants to States to promote permanent families for children and responsible fatherhood, and for other purposes; to the Committee on Finance.

By Mr. REID (for himself and Mr. ENSIGN):

S. 940. 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 Energy and Natural Resources.

By Mr. CRAPO (for himself and Mr. LEAHY):

S. 941. A bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, and Ms. COLLINS):

S. 942. A bill to prevent the abuse of Government charge cards; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THUNE:

S. 943. A bill to amend the Clean Air Act to permit the Administrator of the Environmental Protection Agency to waive the lifecycle greenhouse gas emission reduction requirements for renewable fuel production, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FEINGOLD:

S. 944. A bill to amend title 10, United States Code, to require the Secretaries of the military departments to give wounded members of the reserve components of the Armed Forces the option of remaining on active duty during the transition process in order to continue to receive military pay and allowances, to authorize members to reside at their permanent places of residence during the process, and for other purposes; to the Committee on Armed Services.

By Mr. FEINGOLD (for himself, Mr. KENNEDY, Mr. KOHL, and Mr. REID):

S. 945. A bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LIEBERMAN:

S. 946. A bill to amend the Federal Power Act to provide additional legal authorities to adequately protect the critical electric infrastructure against cyber attack, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. LINCOLN (for herself and Mr. ROBERTS):

S. 947. A bill to amend title XVIII of the Social Security Act to provide for the treatment of certain physician pathology services under the Medicare program; to the Committee on Finance.

By Mr. DORGAN (for himself and Mr. COBURN):

S. 948. A bill to provide for the Office of Management and Budget to direct all executive departments and agencies to submit a separate category for administrative expenses when submitting appropriations requests and for a reduction in such administrative expenses for fiscal years 2010 through 2013; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, Mr. DORGAN, Mr. VOINOVICH, Ms. STABENOW, Mr. LUGAR, and Mrs. SHAHEEN):

S. 949. 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 Natural Resources.

By Mrs. LINCOLN (for herself, Mr. GRAHAM, and Mr. SPECTER):

S. 950. A bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK (for himself, Mr. INOUYE, Mr. BAUCUS, Mrs. BOXER, Mr. CRAPO, Ms. CANTWELL, Mr. COBURN, Mr. HARKIN, Mr. LIEBERMAN, and Mr. TESTER):

S.J. Res. 14. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. AKAKA, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. FEINGOLD, Mr. KERRY, Mr. LEVIN, Mr. SANDERS, and Mr. WHITEHOUSE):

S. Res. 121. A resolution designating May 15, 2009, as ''Endangered Species Day''; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. HATCH, Mr. BINGAMAN, Mr. KENNEDY, Mr. DURBIN, Mrs. BOXER, Mr. SCHUMER, Mr. UDALL of New Mexico, Mr. LAUTENBERG, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. CORNYN, Mr. CRAPO, Mr. MARTINEZ, Mr. COCHRAN, Mr. NELSON of Florida, and Ms. STABENOW):

S. Res. 122. A resolution designating April 30, 2009, as ''Dia de los Ninos: Celebrating Young Americans'', and for other purposes; considered and agreed to.

By Mr. WEBB:

S. Res. 123. A resolution expressing support for designation of May 2, 2009, as ''Vietnamese Refugees Day''; considered and agreed to.

By Mr. FEINGOLD (for himself, Mr. KAUFMAN, Mr. LUGAR, Mr. LEAHY, Mr. DURBIN, Mr. KERRY, Mr. CASEY, Mr. LIEBERMAN, Mr. ISAKSON, Mr. CARDIN, and Mr. MENENDEZ):

S. Res. 124. A resolution recognizing the threats to press freedom and expression around the world and reaffirming press freedom as a priority in the efforts of the United States to promote democracy and good governance, on the occasion of World Press Freedom Day on May 3, 2009; considered and agreed to.

By Mr. CASEY (for himself and Mr. BROWNBACK):

S. Con. Res. 22. A concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month 2009; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 256

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 256, a bill to enhance the ability to combat methamphetamine.

S. 358

At the request of Mr. CORNYN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 358, a bill to ensure the safety of members of the United States Armed Forces while using expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 473

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 475

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 493

At the request of Mr. CASEY, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 493, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of ABLE accounts for the care of family members with disabilities, and for other purposes.

S. 495

At the request of Mr. CARDIN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 495, a bill to increase public confidence in the justice system and address any unwarranted racial and ethnic disparities in the criminal process.

S. 565

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 565, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 581

At the request of Mr. BENNET, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 593

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 593, a bill to ban the use of bisphenol A in food containers, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 623

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 623, a bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Service Act, and the Internal Revenue Code of 1986 to prohibit preexisting condition exclusions in group health plans and in health insurance coverage in the group and individual markets.

S. 624

At the request of Mr. DURBIN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 634

At the request of Mr. HARKIN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 690

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 690, a bill to amend the Neotropical Migratory Bird Conservation Act to reauthorize the Act.

S. 701

At the request of Mr. KERRY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 701, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG).

S. 717

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Illinois (Mr.

BURRIS) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 731

At the request of Mr. NELSON of Nebraska, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 794

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 794, a bill to amend title 10, United States Code, to modify certain retirement pay and grade authorities for service performed after eligibility for retirement, and for other purposes.

S. 795

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 795, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 815

At the request of Mr. NELSON of Florida, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 815, a bill to amend the Immigration and Nationality Act to exempt surviving spouses of United States citizens from the numerical limitations described in section 201 of such Act.

S. 833

At the request of Mr. SCHUMER, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Connecticut (Mr. DODD), the Senator from Vermont (Mr. SANDERS) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 846

At the request of Mr. DURBIN, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. KOHL), the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from New York (Mr. SCHUMER), the Senator from Oregon (Mr. WYDEN), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. LEAHY), the Senator from Ohio (Mr. VOINOVICH), the Senator from Mississippi (Mr. COCHRAN), the Senator from Hawaii (Mr. INOUYE), the Senator from Arizona (Mr. MCCAIN), the Senator from Rhode Island (Mr. REED) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 891

At the request of Mr. BROWNBACK, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 904

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 904, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 908

At the request of Mr. BAYH, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 908, 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD (for himself, Mr. HATCH, Mr. CRAPO, Mr. ROBERTS, Mr. WICKER, Mr. VITTER, Mr. VOINOVICH, Mr. CHAMBLISS, Mr. ISAKSON, Mr. COCHRAN, Mr. BUNNING, Mr. KERRY, Ms. STABENOW, Mr. HARKIN, Mr. WYDEN, Mr. SPECTER, and Mr. ALEXANDER):

S. 935. A bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes; to the Committee on Finance.

Mr. CONRAD. Mr. President, today I am introducing legislation that would extend reasonable measures to protect access to long-term care hospitals, while ensuring that these institutions are admitting the appropriate type of patients. I am pleased to be introducing the bill along with my colleague, Senator HATCH, and I urge my colleagues to consider cosponsoring this cost-saving proposal.

Long Term Acute Care hospitals, or LTAC hospitals, serve a vital role in the Medicare program by providing care to beneficiaries with clinically complex conditions that need hospital care for extended periods of time. I am happy to have two of these hospitals in North Dakota, one in Fargo and one in Mandan. They are a vital part of the North Dakota continuum of care.

While these hospitals provide important health services to very frail individuals, the Centers for Medicare and Medicaid Services, CMS, became concerned with the rapid growth in these facilities, and as a result began to arbitrarily cut LTAC hospital payments across-the-board. The Medicare, Medicaid and SCHIP Extension Act of 2007, MMSEA, enacted important changes that included the development of much-needed patient and facility certification criteria to assure that the right patient is seen in the right post-acute care setting. This law issued a moratorium on new facilities and expansions of older facilities and provided regulatory relief to protect patient access to LTAC hospitals while patient criteria are being developed. The legislation I am introducing today would extend these provisions by two years to provide stability to these hospitals and the patients they serve as CMS considers payment bundles and other changes in post-acute care.

As Chairman of the Budget Committee, I have a unique appreciation for the enormous fiscal challenges that face our country and respect CMS's efforts to reduce growth in Medicare. We should address the growth in LTAC hospitals, but we also want to ensure that there is a place for patients who truly need long-term hospital stays.

It was not easy for the LTAC hospitals in North Dakota and across the country to support legislation that restricts their payments, but I compliment them for working with me to put forward a constructive public policy proposal. Long-term care hospitals serve a vital role in our health care system, and we must protect access to these facilities for those who truly need it. But we can also take responsible steps to ensure that our federal tax dollars are well spent and directed to the most appropriate level of care. I believe my legislation achieves this balance and urge my colleagues to support this measure.

Mr. HATCH. Mr. President, I am pleased to join my friend, Senator KENT CONRAD, and others in introducing the Medicare Long-Term Care Hospital Improvement Act of 2009. This legislation would help ensure that Medicare beneficiaries continue to have access to long-term, acute-care,

LTAC, hospitals. These hospitals provide inpatient care to Medicare beneficiaries who spend at least 25 days in the hospital. Typically, the average patient stay in an acute care hospital is only six days. We have several LTAC hospitals and facilities in Salt Lake, Provo, and Bountiful, UT.

Our bill would extend for two more years the LTAC hospital moratorium included in the Medicare, Medicaid, and SCHIP Extension Act of 2007, MMSEA, P.L. 110–173. While MMSEA's LTAC hospital provisions helped the LTAC hospitals, they also addressed important issues raised by the Centers for Medicare and Medicaid Services, CMS, regarding these hospitals. Under MMSEA, new LTAC hospitals would not be allowed to open until the three year moratorium ends in 2010—the intent was to give CMS time to develop new federal standards on LTAC patient criteria. The bill that we are introducing today would extend the MMSEA moratorium for another 2 years.

To my friends in the hospital community and to those responsible for issuing federal regulations impacting the hospital community, I urge you to work together to address some of the valid concerns that have been raised with regard to LTAC hospitals. But I want these concerns addressed fairly so that beneficiaries will continue to have access to quality care and choice of long-term care coverage.

I also believe that while most LTAC hospitals provide good care in many parts of the country, the industry must do a better job convincing Congress and Federal agencies that the type of care you provide is valuable and necessary. Only truly sick patients should go to LTAC hospitals. Less medically-complex patients should be seen at less intensive facilities.

It is my hope that Federal officials making important decisions regarding LTACs get the job done. Five years ago, LTAC hospitals were told that they needed new standards and yet, we have made limited progress in this area. You need to finish this important job once and for all! It needs to be done in partnership with the LTAC community. Hopefully, the introduction of this bill will get the ball rolling in this area.

Finally, President Obama's budget guidelines for fiscal year 2010 has a bundling proposal that would include the payment of post-acute care with the hospital payment system. The Senate Finance Committee is considering a similar proposal. Therefore, I do not want to leave the impression with anyone that the introduction of this legislation is meant to delay such a proposal from moving forward. However, I do believe that should bundling be seriously considered by Congress, all stakeholders should be included in those discussions, including the LTACH hospitals.

I look forward to working with my Senate colleagues on this important bill.

By Mr. REID (for himself and Mr. ENSIGN):

S. 940. 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 Energy and Natural Resources.

Mr. REID. Mr. President, I rise today with my good friend Senator ENSIGN to introduce the Southern Nevada Higher Education Land Act of 2009. This bill will expand opportunities for higher education in one of the nation's fastest growing areas, southern Nevada.

In July 1862, President Abraham Lincoln signed the Land Grant College Act into law, creating a higher education legacy that continues to benefit our country today. That bill, now referred to as the Morrill Act, provided 30,000 acres of Federal land per Member of Congress to establish institutions of higher education in each State. Today, thanks in large part to the foresight of Senator Justin Smith Morrill from Vermont and others from his time, this Nation has one of the finest public university systems in the world.

Among the many universities established as a result of this forward-looking legislation was the University of Nevada. The State's first university was originally founded in Elko in 1874. Two years later, Nevada's state legislature voted to move the university to its current home in Reno. The University of Nevada remained the State's only higher education institution for 75 years.

From these humble beginnings, the State of Nevada has expanded its higher education system to now include two research universities, one State college, one research institution, and four community colleges. The Nevada System of Higher Education, which was formed in 1968 and encompasses all eight institutions, has grown to serve roughly 98,000 degree-seeking students.

As the State of Nevada continues to grow, so too must its university system. With over 2 million residents in 2007, greater Las Vegas is the fourth-largest metropolitan area in the Mountain West. In this decade alone, the area's population has grown by 31 percent, five times faster than the Nation as a whole. We must expand higher education opportunities to meet the demands of this growing region.

Consider the following—bthe University of Nevada, Las Vegas, with 28,000 students and 3,300 faculty and staff, is the fourth fastest-growing research university in the Nation. The College of Southern Nevada, also in Las Vegas, serves 41,000 students and its three urban campuses are at near capacity. The town of Pahrump, 60 miles from Las Vegas in rural Nye County, has grown by 20 percent since 2000. Great Basin College's small branch campus in Pahrump uses high school classrooms at night to serve the city's 41,000 residents.

Our legislation will make selected parcels of Federal lands available for the future growth of the university system. Land will be provided for new campuses for the University of Nevada, Las Vegas; the College of Southern Nevada; and a Pahrump campus of Great Basin College. The current campuses for these three institutions comprise 1,150 acres in southern Nevada. With the passage of this legislation, an additional 2,400 acres will be available for new classroom, research, and residential facilities to help further the missions of these three fine institutions.

To establish these new campuses, three parcels of land would be conveyed from the Bureau of Land Management, BLM, to the Nevada System of Higher Education. Two of the parcels are located in Clark County, within the Southern Nevada Public Land Management Act, SNPLMA, disposal boundary. The third parcel is located in Pahrump, west of Las Vegas, in Nye County. BLM has designated all of these parcels for disposal because they are surrounded by development and are difficult to manage.

It is important to point out that the land our legislation conveys for the University of Nevada, Las Vegas borders Nellis Air Force Base. Nellis was once on the outskirts of town, but now development is on its doorstep. In order to protect the mission of the Nellis Air Force base, we have put a special provision in the legislation requiring that the university system and Air Force sign a binding agreement regarding development plans for the campus. The university system and the Air Force worked together on this issue for the last 3 years and have found a middle ground that will serve the interests of both parties. We greatly appreciate the efforts of the university system and the Air Force to make this work.

This same land bordering Nellis was once used as a small arms range during World War II and will need to be cleaned up before it can be conveyed to the university system. Because it will take time to accomplish this, our legislation allows the land to be conveyed in phases, as the remediation is completed.

This proposal to expand higher education opportunities in southern Nevada has been welcomed by area leaders. City and county officials have worked closely with the Nevada System of Higher Education to plan the development of world-class facilities in their communities. These facilities are critical to meeting the challenge of diversifying their economies and attracting and growing knowledge industries in the area.

I also want to note that a long-time champion of this legislation, and especially the Pahrump campus, passed away recently. Bob Swadell lived a life of service. He saw action in Korea where he earned a Bronze Star and later worked for the Central Intelligence Agency. More recently, Mr. Swadell devoted a great deal of his time to looking out for the future of

Pahrump. I regret that he will not be with us to see this legislation move forward, but we will certainly keep his vision and spirit with us as we work on this important bill.

Just as the Morrill Act opened up Federal land to expand higher education across the Nation, I am hopeful that this important, though much more modest effort can do the same for the residents of southern Nevada. We look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished Members of the Energy and Natural Resources Committee to move this legislation in an expeditious manner.

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

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

S. 940

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 ''Southern Nevada Higher Education Land Act of 2009''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) southern Nevada is one of the fastest growing regions in the United States, with 750,000 new residents added since 2000 and 250,000 residents expected to be added by 2010;

(2) the Nevada System of Higher Education serves more than 71,000 undergraduate and graduate students in southern Nevada, with enrollment in the System expected to grow by 21 percent during the next 10 years, which would bring enrollment to a total of 85,000 students in the System;

(3) the Nevada System of Higher Education campuses in southern Nevada comprise 1,200 acres, one of the smallest land bases of any major higher education system in the western United States;

(4) the University of Nevada, Las Vegas, with 27,903 students and 3,000 faculty and staff, is the fourth fastest-growing research university in the United States;

(5) the College of Southern Nevada—

(A) serves more than 41,000 students each semester; and

(B) is near capacity at each of the 3 urban campuses of the College;

(6) Pahrump, located in rural Nye County, Nevada—

(A) has grown by 20 percent since 2000; and

(B) has a small satellite campus of Great Basin College to serve the 40,500 residents of Pahrump, Nevada; and

(7) the Nevada System of Higher Education needs additional land to provide for the future growth of the System, particularly for the University of Nevada, Las Vegas, the College of Southern Nevada, and the Pahrump campus of Great Basin College.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide additional land for a thriving higher education system that serves the residents of fast-growing southern Nevada;

(2) to provide residents of the State with greater opportunities to pursue higher education and the resulting benefits, which include increased earnings, more employment opportunities, and better health; and

(3) to provide communities in southern Nevada the economic and societal values of higher education, including economic growth, lower crime rates, greater civic participation, and less reliance on social services.

SEC. 3. DEFINITIONS.

In this Act:

(1) BOARD OF REGENTS.—The term ''Board of Regents'' means the Board of Regents of the Nevada System of Higher Education.

(2) CAMPUSES.—The term ''Campuses'' means the Great Basin College, College of Southern Nevada, and University of Las Vegas, Nevada, campuses.

(3) FEDERAL LAND.—The term ''Federal land'' means each of the 3 parcels of Bureau of Land Management land identified on the maps as ''Parcel to be Conveyed'', of which—

(A) approximately 40 acres is to be conveyed for the College of Southern Nevada;

(B) approximately 2,085 acres is to be conveyed for the University of Nevada, Las Vegas; and

(C) approximately 285 acres is to be conveyed for the Great Basin College.

(4) MAP.—The term ''Map'' means each of the 3 maps entitled ''Southern Nevada Higher Education Land Act'', dated July 11, 2008, and on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) STATE.—The term ''State'' means the State of Nevada.

(7) SYSTEM.—The term ''System'' means the Nevada System of Higher Education.

SEC. 4. CONVEYANCES OF FEDERAL LAND TO THE SYSTEM.

(a) CONVEYANCES.—

(1) IN GENERAL.—Notwithstanding section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and section 1(c) of the Act of June 14, 1926 (commonly known as the ''Recreation and Public Purposes Act'') (43 U.S.C. 869(c)) and subject to all valid existing rights, the Secretary shall—

(A) not later than 180 days after the date of enactment of this Act, convey to the System, without consideration, all right, title, and interest of the United States in and to the Federal land for the Great Basin College and the College of Southern Nevada; and

(B) not later than 180 days after the receipt of certification of acceptable remediation of environmental conditions existing on the parcel to be conveyed for the University of Nevada, Las Vegas, convey to the System, without consideration, all right, title, and interest of the United States in and to the Federal land for the University of Nevada, Las Vegas.

(2) PHASES.—The Secretary may phase the conveyance of the Federal land under paragraph (1)(B) as remediation is completed.

(b) CONDITIONS.—

(1) IN GENERAL.—As a condition of the conveyance under subsection (a)(1), the Board of Regents shall agree in writing—

(A) to pay any administrative costs associated with the conveyance, including the costs of any environmental, wildlife, cultural, or historical resources studies;

(B) to use the Federal land conveyed for educational and recreational purposes;

(C) to release and indemnify the United States from any claims or liabilities that may arise from uses carried out on the Federal land on or before the date of enactment of this Act by the United States or any person;

(D) as soon as practicable after the date of the conveyance under subsection (a)(1), to erect at each of the Campuses an appropriate and centrally located monument that acknowledges the conveyance of the Federal land by the United States for the purpose of furthering the higher education of the citizens in the State; and

(E) to assist the Bureau of Land Management in providing information to the students of the System and the citizens of the State on—

(i) public land (including the management of public land) in the Nation; and

(ii) the role of the Bureau of Land Management in managing, preserving, and protecting the public land in the State.

(2) AGREEMENT WITH NELLIS AIR FORCE BASE.—

(A) IN GENERAL.—As a precondition of the conveyance of the Federal land for the University of Nevada, Las Vegas under subsection (a)(1)(B), the Board of Regents shall enter into a binding interlocal agreement with Nellis Air Force Base to preserve the long-term capability of Nellis Air Force Base.

(B) REQUIREMENTS.—The interlocal agreement entered into under subparagraph (A) and any related master plan shall require the mutual assent of the parties to the agreement.

(C) LIMITATION.—In no case shall the use of the Federal land conveyed under subsection (a)(1)(B) compromise the national security mission or avigation rights of Nellis Air Force Base.

(c) USE OF FEDERAL LAND.—

(1) IN GENERAL.—The System may use the Federal land conveyed under subsection (a)(1) for—

(A) any purpose relating to the establishment, operation, growth, and maintenance of the System; and

(B) any uses relating to the purposes, including residential and commercial development that would generally be associated with an institution of higher education.

(2) OTHER ENTITIES.—The System may—

(A) consistent with Federal and State law, lease, or otherwise provide property or space at, the Campuses, with or without consideration, to religious, public interest, community, or other groups for services and events that are of interest to the System or to any community located in southern Nevada;

(B) allow any other communities in southern Nevada to use facilities of the Campuses for educational and recreational programs of the community; and

(C) in conjunction with the city of Las Vegas, North Las Vegas, or Pahrump or Clark or Nye County plan, finance (including through the provision of cost-share assistance), construct, and operate facilities for the city of Las Vegas, North Las Vegas, or Pahrump or Clark or Nye County on the Federal land conveyed for educational or recreational purposes consistent with this section.

(d) REVERSION.—

(1) IN GENERAL.—If the Federal land or any portion of the Federal land conveyed under subsection (a)(1) ceases to be used for the System, the Federal land, or any portion of the Federal land shall, at the discretion of the Secretary, revert to the United States.

(2) UNIVERSITY OF NEVADA, LAS VEGAS.—If the System fails to complete the first building or show progression toward development of the University of Nevada, Las Vegas campus on the applicable parcels of Federal land by the date that is 50 years after the date of receipt of certification of acceptable remediation of environmental conditions, the parcels of the Federal land described in section 3(3)(B) shall, at the discretion of the Secretary, revert to the United States.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. GRASSLEY (for himself, Mr. LIEBERMAN, and Ms. COLLINS):

S. 942. A bill to prevent the abuse of Government charge cards; to the Committee on Homeland Security and Governmental Affairs.

Mr. GRASSLEY. Mr. President, today, I am reintroducing the Government Charge Card Abuse Prevention Act to ensure that federal departments and agencies do not take the eye off the ball when it comes to spending the taxpayers' money. I have put in a lot of time and effort to call attention to instances of waste, fraud, and abuse using government charge cards while agencies were looking the other way. Now I want to make sure that they stay on top of this issue.

In 1998, the General Service Administration's, GSA, entered into a contract with a set of commercial banks to utilize charge cards, not unlike those used by businesses large and small and millions of consumers worldwide. This is called the SmartPay® program. These Government charge cards include government purchase cards, which are used for acquisition of commercial goods and services by agencies and paid directly by the agency, and Government travel cards, which are used to pay for individual Government travel expenses and issued in the name of individual government employees.

Government charge cards were intended as a low cost method to streamline government acquisition and travel processes. The whole idea was to adopt the best practices of the commercial sector. In the business sector, charge cards have been a success. They save time and money. The main reason they work so well is because the control environment in the private sector is rock solid and accountability is a fact of life. When a business is spending its own money, it is going to be sure that it accounts for every penny or it would not stay in business. As a result, in corporate America, if an employee is caught abusing a card, they'll lose it or get fired.

This was not the case when the Federal Government began using charge cards. Federal agencies did not put in place the necessary controls to make sure that all spending on charge cards was legitimate. When I started looking into this with the Government Accountability Office, GAO, we uncovered blatant examples of wasteful spending like LA-Z-Boy reclining rocking chairs, kitchen appliances, and even a sapphire ring being paid for with Government purchase cards, with the American taxpayer paying the bill.

Government travel cards have been used for gambling, sporting events, concerts, cruises, and even gentlemen's clubs and legalized brothels! While travel cards are not paid directly with taxpayers' money like purchase cards, failure by employees to repay these cards results in the loss of millions of dollars in rebates to the federal government. Also, when credit card companies are forced to charge off bad debt, they raise interest rates and fees on everyone else.

A series of GAO reports over the last decade have identified an inadequate and inconsistent control environment across numerous federal agencies with respect to both government purchase cards and Government travel cards. This has led to millions of dollars in taxpayers' money wasted. In some cases purchases were outright fraudulent, and others were of questionable need or were unnecessarily expensive. In each report it has issued, the GAO has made recommendations about what kind of controls need to be implemented to prevent such abuses from occurring in the future. In many cases, the same controls were often missing or inadequate, and therefore the same recommendations are repeated in report after report. One agency would promise to clean up its act, but then we would find the exact same problems with another. That is why I worked to develop legislation that would incorporate GAO's recommendations regarding some of the most basic controls needed in every agency to prevent abuse of government charge cards.

As a result of the pressure applied by the relentless oversight of Congress, the GAO, and agency Inspectors General, we have seen some progress toward establishing a better control environment. In fact, the Office of Management and Budget has issued a circular to agencies that seeks to bring about many of the controls we identified. However, this progress would not have been possible without the continual spotlight being shone on the problem and the threat of congressional action. It is also clear that we still have a way to go in stamping out abuse of government charge cards as evidenced by a GAO report on the internal controls for purchase cards governmentwide that came out just last year.

That report found that a weak control environment led to government purchase cards being used for items like iPods at NASA, internet dating and pornographic sites at the Postal Service, women's lingerie from a place called ''Seduction Boutique'' at the State Department that was supposedly for use during jungle training'', and over $642,000 over six years in fraudulent payments at the USDA for the cardholder's live-in boyfriend. These funds went for personal expenditures like gambling, car loan and mortgage payments, and other retail purchases. Clearly we still have a problem and that's why I'm determined to make sure this situation is fixed once and for all.

In addition to requiring federal agencies to establish a series of basic and vital internal controls that the GAO has found lacking in many cases, my bill would also provide that each agency Inspector General periodically conduct risk assessments of agency purchase card and travel card programs and perform periodic audits to identify potentially fraudulent, improper, and abusive use of cards. We have had great success working with Inspectors General using techniques like data mining to reveal instances of improper use of government charge cards. Having this information on an ongoing basis will help maintain and strengthen a rigorous system of internal controls to prevent future instances of waste, fraud, and abuse with government charge cards.

My bill also requires agencies to establish penalties so that employees who abuse government charge cards will face real and consistent consequences. This is necessary not only so that taxpayers know that those who would squander their money are held accountable, but also to send a message to other government employees that such behavior will not be tolerated. In fact, these penalties must include dismissal in serious circumstances.

This legislation has been revised a number of times with considerable input from the GAO as well as the Inspector General community and other stakeholders. I am also glad to have Chairman LIEBERMAN and Ranking Member COLLINS as original cosponsors of this bill. Their help, assistance, and support has been very much appreciated as this legislation has developed. The result is a carefully considered and targeted piece of legislation that I look forward to seeing become law. I know that will give me and a great many American taxpayers more peace of mind about how their money is being spent.

By Mr. FEINGOLD:

S. 944. A bill to amend title 10, United States Code, to require the Secretaries of the military departments to give wounded members of the reserve components of the Armed Forces the option of remaining on active duty during the transition process in order to continue to receive military pay and allowances, to authorize members to reside at their permanent places of residence during the process, and for other purposes; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, the Armed Forces have come a long way in addressing the bureaucratic hurdles that have long plagued wounded service members transitioning out of the Services. However, much more remains to be done to ensure that wounded service members do not go without income, due to injuries sustained in the line of duty. Currently, many are going without compensation of any kind because they are never told about the patchwork of programs designed to care for them as they transition back to civilian life and into the VA. This has been an issue of particular concern for members of the Reserve Components. Therefore, Sen. MURKOWSKI and I are introducing the Wounded Warrior Transition Assistance Act to help ensure that wounded reservists and members of the Guard are informed of the various programs to compensate them for their injuries before they separate

from the military and to guarantee that there is no gap in income as they transition into the VA.

This bill was inspired by a young soldier from Wisconsin who came to me for assistance when he returned from Iraq with serious wounds. He had been separated from the Army without going through the medical discharge process even though he had sustained a serious injury that impaired his ability to work. No one had informed him that he may have been entitled to medical retirement, temporary disability retirement, combat-related special compensation or incapacitation pay due to the extent of his injuries. After his separation, it took several months for the VA to review all of his claims and begin compensating him for his injuries during which time his family struggled to get by. Now, nearly a year since he first contacted me, the Army has recognized its mistake and plans to evaluate him for medical retirement or placement on the temporary disability retirement list.

Unfortunately, this is a systemic issue. The Wisconsin National Guard has estimated that, in Wisconsin alone, there have been a dozen cases of wounded service members who were eligible for military compensation for their injuries who never received it and were instead sent home with nothing only to have to wait for the VA to process their claims. This has compromised their ability to focus on their recovery.

Members of my staff have been told by several officials within the Defense Department that they continue to see members of the Reserve Components given disparate and unequal treatment with regard to the medical discharge process. This legislation is urgently needed to ensure that wounded service members receive counseling about these issues before discharge so that they can make an educated decision about their treatment. Congress must act to convey the importance of this issue and to set a floor for how the Department will handle wounded members of the Reserve Components.

This bill would prohibit the discharge of wounded members of the Reserve Components until they have been evaluated for their eligibility for the various programs to assist wounded service members. The service member may elect to separate from the Armed Services after consulting with a JAG attorney. For those undergoing evaluation, the bill would ensure that they are returned to their home, if medically feasible, during the process. The Services currently have community-based wounded transition units established for this purpose.

If someone was prematurely discharged and cannot work due to his or her injury, the bill would require the relevant Service to return him or her to active duty, if the service member chooses to do so. It would also ensure that the Reserve Components have access to Defense Health Program funds. These measures will help ensure that future service members will not face the gap in income that created such a hardship for my constituent and his family. It is the least we can do.

In addition, this bill would ensure that wounded service members have trained advocates to help them navigate the entire medical discharge process. The fiscal year 2008 National Defense Authorization Act required the Defense Department to, among other things, provide service members with legal counsel during the physical disability evaluation process. In September 2008, the Government Accountability Office, GAO, found that only 5 of 35 Army treatment facilities had legal personnel dedicated to providing assistance during the disability evaluations process.

In addition, GAO has reported that there are still insufficient JAG attorneys to provide comprehensive legal support early in the evaluation process. According to Army staff, if attorneys counseled service members earlier in the discharge process, starting with the medical evaluation board process, service members could have a better understanding of what steps to take to ensure that they receive any compensation to which they may be entitled. Early outreach could also help to make the disability evaluation process proceed faster and more efficiently. This bill would require the Armed Services to hire sufficient personnel to provide comprehensive legal support early in the evaluation process.

At the same time, we should do everything possible to take advantage of veteran service officers who offer this counseling free of charge and at no cost to the federal government. Federal law requires commanders to make space available on base for chartered veteran service organizations that provide counseling to wounded service members. Therefore, I was extremely troubled to learn last year that several veteran service organizations that provide assistance to wounded service members, free of charge, including the Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America and the National Veterans Legal Services Project, were all having trouble accessing U.S. bases for the purpose of providing counseling to wounded service members.

This bill would reiterate that the Armed Services are required by law to provide the space needed for wounded service members to receive counseling from trained advocates, especially during this time of war when so many are returning with serious wounds. Furthermore, it requires the Services to broadly disseminate information on the existence of the Wounded Warrior Resource Center, which, among other things, provides legal referrals.

This bill should not be costly. The Army has requested about 20 additional attorneys. The vast majority of the wounded service members will be medically discharged with retirement pay or other compensation and will not be in need of the assistance provided by this bill. Furthermore, the requirement that the Services retain wounded service members until they have been evaluated will sunset after five years, at which time it is my hope that the rate of deployments and subsequent injuries will be vastly lower.

Nonetheless, I have provided an ample offset to cover the costs of the bill. According to the Office of Management and Budget, the Defense Department recovered over $600 million in overpayments to contractors over the last 4 years. The Department identified but did not recover an additional $273 million. The funds needed to provide for these wounded service members during the evaluation process would come from the recoupment of these overpayments.

The National Guard Bureau has informed me that this legislation would go a long way to closing one of the remaining gaps in care for those transitioning from the Armed Forces to the VA. I am pleased that the legislation has been endorsed by the Disabled American Veterans, the Iraq and Afghanistan Veterans of America, Military Officers Association of America, the National Guard Association of the U.S. and the enlisted National Guard Association of the U.S.

By Mr. FEINGOLD (for himself, Mr. KENNEDY, Mr. KOHL, and Mr. REID):

S. 945. A bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, I wish today to honor the extraordinary life of Robert M. La Follette Sr. This weekend, people around my home State of Wisconsin, the U.S. and the world will celebrate the 100th anniversary of the Progressive Magazine, which was founded by Bob La Follette and his wife Belle Case La Follette. The Progressive has been a powerful force for change and a leading advocate for civil rights, civil liberties, women's rights, clean Government, and many other priorities since its inception 100 years ago.

Throughout his life, La Follette was known for his diligent service to the people of Wisconsin and to the people of the U.S. His dogged, full-steam-ahead approach to his life's work earned him the nickname ''Fighting Bob.''

Robert Marion La Follette, Sr., was born on June 14, 1855, in Primrose, a small town southwest of Madison in Dane County. He graduated from the University of Wisconsin Law School in 1879 and, after being admitted to the State bar, began his long career in public service as Dane County district attorney.

La Follette was elected to the U.S. House of Representatives in 1884, and he served three terms as a member of that body, where he was a member of the Ways and Means Committee.

After losing his campaign for reelection in 1890, La Follette returned to Wisconsin and continued to serve the people of my State as a judge. Upon his exit from Washington DC, a reporter wrote, La Follette ''is popular at home, popular with his colleagues, and popular in the House. He is so good a fellow that even his enemies like him.''

He was elected the 20th Governor of Wisconsin in 1900. He served in that office until 1906, when he stepped down in order to serve the people of Wisconsin in the U.S. Senate, where he remained until his death in 1925.

A founder of the national progressive movement, La Follette championed progressive causes as governor of Wisconsin and in the U.S. Congress. As governor, he advanced an agenda that included the country's first workers compensation system, direct election of U.S. Senators, and railroad rate and tax reforms. Collectively, these reforms would become known as the ''Wisconsin Idea.'' As governor, La Follette also supported cooperation between the State and the University of Wisconsin.

His terms in the House of Representatives and the Senate were spent fighting for women's rights, working to limit the power of monopolies, and opposing pork barrel legislation. La Follette also advocated electoral reforms, and he brought his support for the direct election of U.S. Senators to this body. His efforts were brought to fruition with the ratification of the Seventeenth Amendment in 1913. Fighting Bob also worked tirelessly to hold the Government accountable, and was a key figure in exposing the Teapot Dome Scandal.

La Follette earned the respect of such notable Americans as Frederick Douglass, Booker T. Washington and Harriet Tubman Upton for making civil rights one of his trademark issues. At a speech before the 1886 graduating class of Howard University, La Follette said, ''We are one people, one by truth, one almost by blood. Our lives run side by side, our ashes rest in the same soil. [Seize] the waiting world of opportunity. Separatism is snobbish stupidity, it is supreme folly, to talk of non-contact, or exclusion!''

La Follette ran for President three times, twice as a Republican and once on the Progressive ticket. In 1924, as the Progressive candidate for president, La Follette garnered approximately 17 percent of the popular vote and carried the State of Wisconsin.

La Follette's years of public service were not without controversy. In 1917, he filibustered a bill to allow the arming of U.S. merchant ships in response to a series of German submarine attacks. His filibuster was successful in blocking passage of this bill in the closing hours of the 64th Congress. Soon after, La Follette was one of only 6 Senators who voted against U.S. entry into World War I.

Fighting Bob was outspoken in his belief that the right to free speech did not end when war began. In the fall of 1917, La Follette gave a speech about the war in Minnesota, and he was misquoted in press reports as saying that he supported the sinking of the Lusitania. The Wisconsin State Legislature condemned his supposed statement as treason, and some of La Follette's Senate colleagues introduced a resolution to expel him. In response to this action, he delivered his seminal floor address, ''Free Speech in Wartime,'' on October 6, 1917. If you listen closely, you can almost hear his strong voice echoing through this chamber as he said: ''Mr. President, our government, above all others, is founded on the right of the people freely to discuss all matters pertaining to their government, in war not less than in peace, for in this government, the people are the rulers in war no less than in peace.''

Of the expulsion petition filed against him, La Follette said:

> I am aware, Mr. President, that in pursuance of this general campaign of vilification and attempted intimidation, requests from various individuals and certain organizations have been submitted to the Senate for my expulsion from this body, and that such requests have been referred to and considered by one of the Committees of the Senate.
>
> If I alone had been made the victim of these attacks, I should not take one moment of the Senate's time for their consideration, and I believe that other Senators who have been unjustly and unfairly assailed, as I have been, hold the same attitude upon this that I do. Neither the clamor of the mob nor the voice of power will ever turn me by the breadth of a hair from the course I mark out for myself, guided by such knowledge as I can obtain and controlled and directed by a solemn conviction of right and duty.

This powerful speech led to a Senate investigation of whether La Follette's conduct constituted treason. In 1919, following the end of World War I, the Senate dropped its investigation and reimbursed La Follette for the legal fees he incurred as a result of the expulsion petition and corresponding investigation. This incident is indicative of Fighting Bob's commitment to his ideals and of his tenacious spirit.

La Follette died on June 18, 1925, in Washington, DC, while serving Wisconsin in this body. His daughter noted, ''His passing was mysteriously peaceful for one who had stood so long on the battle line.'' Mourners visited the Wisconsin Capitol to view his body, and paid respects in a crowd nearing 50,000 people. La Follette's son, Robert M. La Follette, Jr., was elected to serve in the U.S. Senate after his father's death and served in this body for more than 20 years, following the progressive path blazed by his father.

La Follette has been honored a number of times for his unwavering commitment to his ideals and for his service to the people of Wisconsin and of the United States.

During the 109th Congress, I was proud to support Senate passage of a bill introduced in the House of Representatives by Congresswoman TAMMY BALDWIN that named the post office at 215 Martin Luther King, Jr., Boulevard in Madison in La Follette's honor. I commend Congresswomen BALDWIN for her efforts to pass that bill and I am pleased she is introducing House companion measures of the legislation I am introducing today in the Senate.

The Library of Congress recognized La Follette in 1985 by naming the Congressional Research Service reading room in the Madison Building in honor of both Fighting Bob and his son, Robert M. La Follette, Jr., for their shared commitment to the development of a legislative research service to support the U.S. Congress. In his autobiography, Fighting Bob noted that, as governor of Wisconsin, he ''made it a . . . policy to bring all the reserves of knowledge and inspiration of the university more fully to the service of the people. . . . Many of the university staff are now in state service, and a bureau of investigation and research established as a legislative reference library . . . has proved of the greatest assistance to the legislature in furnishing the latest and best thought of the advanced students of government in this and other countries.'' He went on to call this service ''a model which the federal government and ultimately every state in the union will follow.'' Thus, the legislative reference service that La Follette created in Madison served as the basis for his work to create the Congressional Research Service at the Library of Congress.

The La Follette Reading Room was dedicated on March 5, 1985, the 100th anniversary of Fighting Bob being sworn in for his first term as a Member of Congress.

Across the magnificent Capitol in National Statuary Hall, Fighting Bob is forever immortalized in white marble, still proudly representing the state of Wisconsin. His statue resides in the Old House Chamber, now known as National Statuary Hall, among those of other notable figures who have made their marks in American history. One of the few seated statues is that of Fighting Bob. Though he is sitting, he is shown with one foot forward, and one hand on the arm of his chair, as if he is about to leap to his feet and begin a robust speech.

When then-Senator John F. Kennedy's 5-member Special Committee on the Senate Reception Room chose La Follette as one of the ''Five Outstanding Senators'' whose portraits would hang outside of this chamber in the Senate reception room, he was described as being a ''ceaseless battler for the underprivileged'' and a ''courageous independent.'' Today, his painting still hangs just outside this chamber, where it bears witness to the proceedings of this body—and, perhaps, challenges his successors here to continue fighting for the social and government reforms he championed.

To honor Robert M. La Follette, Sr., during the week of the anniversary of

the Progressive Magazine, today I am introducing two pieces of legislation. I am pleased to be joined in this effort by the senior Senator from Wisconsin, Senator KOHL and the senior Senator from Massachusetts, Senator KENNEDY.

I am introducing a bill that would direct the Secretary of the Treasury to mint coins to commemorate Fighting Bob's life and legacy. The second bill that I am introducing today would authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. La Follette, Sr. The minting of a commemorative coin and the awarding of the Congressional Gold Medal would be fitting tributes to the memory of Robert M. La Follette, Sr., and to his deeply held beliefs and long record of service to his State and to his country. I hope that my colleagues will support these proposals.

Let us never forget Robert M. La Follette, Sr.'s character, his integrity, his deep commitment to Progressive causes, and his unwillingness to waver from doing what he thought was right. The Senate has known no greater champion of the common man and woman, no greater enemy of corruption and cronyism, than ''Fighting Bob'' La Follette, and it is an honor to speak in the same chamber, and serve the same great State, as he did.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, Mr. DORGAN, Mr. VOINOVICH, Ms. STABENOW, Mr. LUGAR, and Mrs. SHAHEEN):

S. 949. 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 Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased today to introduce the 21st Century Energy Technology Deployment Act with my colleagues Senators MURKOWSKI, DORGAN, VOINOVICH, STABENOW, LUGAR, and SHAHEEN. I would particularly like to thank Senator MURKOWSKI for her thoughtful input.

As I have said previously on this floor, I am a strong proponent of pricing carbon dioxide emissions in order to properly align the incentives of the marketplace to avoid the very real costs of catastrophic climate change. I am happy to see that discussion has begun both here and in the other body. However, we should be careful not to think that when we do price in the effects of carbon emissions, which I believe will happen, then we have solved the entire problem.

As the current economic downturn and credit climate make clear, even when we do get the incentives straight, that is no guarantee that the means will be available to developers and individuals to make the smart investments they want to make. That is where this bill comes in; to fill in critical financing gap and bring down the costs of the investments that will not only increase our climate and energy security, but help put the U.S. in a leadership position in these technologies that I believe will be in great demand in the coming years.

I hope that the Energy Committee will agree to include this provision in the comprehensive energy legislation the Committee is currently working on. I will have more to say about the measure as we get further along in that process.

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

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

S. 949

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 ''21st Century Energy Technology Deployment Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to promote the domestic development and deployment of clean energy technologies required for the 21st century through the improvement of existing programs and the establishment of a self-sustaining Clean Energy Deployment Administration that will provide for an attractive investment environment through partnership with and support of the private capital market in order to promote access to affordable financing for accelerated and widespread deployment of—

(1) clean energy technologies;

(2) advanced or enabling energy infrastructure technologies;

(3) energy efficiency technologies in residential, commercial, and industrial applications, including end-use efficiency in buildings; and

(4) manufacturing technologies for any of the technologies or applications described in this section.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the Clean Energy Deployment Administration established by section 6.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Administration.

(3) ADVISORY COUNCIL.—The term ''Advisory Council'' means the Energy Technology Advisory Council of the Administration.

(4) BREAKTHROUGH TECHNOLOGY.—The term ''breakthrough technology'' means a clean energy technology that—

(A) presents a significant opportunity to advance the goals developed under section 5, as assessed under the methodology established by the Advisory Council; but

(B) has generally not been considered a commercially ready technology as a result of high perceived technology risk or other similar factors.

(5) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology related to the production, use, transmission, storage, control, or conservation of energy—

(A) that will—

(i) reduce the need for additional energy supplies by using existing energy supplies with greater efficiency or by transmitting, distributing, or transporting energy with greater effectiveness through the infrastructure of the United States;

(ii) diversify the sources of energy supply of the United States to strengthen energy security and to increase supplies with a favorable balance of environmental effects if the entire technology system is considered; or

(iii) contribute to a stabilization of atmospheric greenhouse gas concentrations thorough reduction, avoidance, or sequestration of energy-related emissions; and

(B) for which, as determined by the Administrator, insufficient commercial lending is available to allow for widespread deployment.

(6) COST.—The term ''cost'' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(7) DIRECT LOAN.—The term ''direct loan'' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(8) FUND.—The term ''Fund'' means the Clean Energy Investment Fund established by section 4(a).

(9) LOAN GUARANTEE.—The term ''loan guarantee'' has the meaning given the term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(10) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(11) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(12) SECURITY.—The term ''security'' has the meaning given the term in section 2 of the Securities Act of 1933 (15 U.S.C. 77b).

(13) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(14) TECHNOLOGY RISK.—The term ''technology risk'' means the risks during construction or operation associated with the design, development, and deployment of clean energy technologies (including the cost, schedule, performance, reliability and maintenance, and accounting for the perceived risk), from the perspective of commercial lenders, that may be increased as a result of the absence of adequate historical construction, operating, or performance data from commercial applications of the technology.

SEC. 4. IMPROVEMENTS TO EXISTING PROGRAMS.

(a) CLEAN ENERGY INVESTMENT FUND.—.

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Clean Energy Investment Fund'', consisting of—

(A) such amounts as have been appropriated for administrative expenses to carry out title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.);

(B) such amounts as are deposited in the Fund under this Act and amendments made by this Act; and

(C) such sums as may be appropriated to supplement the Fund.

(2) EXPENDITURES FROM FUND.—

(A) IN GENERAL.—Notwithstanding section 1705(e) of the Energy Policy Act of 2005 (42 U.S.C. 16516(e)), amounts in the Fund shall be available to the Secretary for obligation without fiscal year limitation, to remain available until expended.

(B) ADMINISTRATIVE EXPENSES.—

(i) FEES.—Fees collected for administrative expenses shall be available without limitation to cover applicable expenses.

(ii) FUND.—To the extent that administrative expenses are not reimbursed through fees, an amount not to exceed 1.5 percent of the amounts in the Fund as of the beginning of each fiscal year shall be available to pay the administrative expenses for the fiscal

year necessary to carry out title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(3) TRANSFERS OF AMOUNTS.—

(A) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(B) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(b) REVISIONS TO LOAN GUARANTEE PROGRAM AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

''(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

''(i) a demonstration project; or

''(ii) a project for which the Secretary approved a loan guarantee.''.

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

''(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

''(1) IN GENERAL.—No guarantee shall be made unless sufficient amounts to account for the cost are available—

''(A) in unobligated balances within the Clean Energy Investment Fund established under section 4(a) of the 21st Century Energy Technology Deployment Act;

''(B) as a payment from the borrower and the payment is deposited in the Clean Energy Investment Fund; or

''(C) in any combination of balances and payments described in subparagraphs (A) and (B), respectively.

''(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

''(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee under this section.''.

(3) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

(4) FEES.—Section 1702(h) of the Energy Policy Act of 2005 (42 U.S.C. 16512(h)) is amended by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY.—Fees collected under this subsection shall—

''(A) be deposited by the Secretary in the Clean Energy Investment Fund established under section 4(a) of the 21st Century Energy Technology Deployment Act; and

''(B) remain available to the Secretary for expenditure, without further appropriation or fiscal year limitation, for administrative expenses incurred in carrying out this title.

''(3) ADJUSTMENT.—The Secretary may adjust the amount or manner of collection of fees under this title as the Secretary determines is necessary to promote, to the maximum extent practicable, eligible projects under this title.''.

(5) PROCESSING.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

''(k) ACCELERATED REVIEWS.—To the maximum extent practicable and consistent with sound business practices, the Secretary shall seek to consolidate reviews of applications for loan guarantees under this title such that decisions as to whether to enter into a commitment on an application can be issued not later than 180 days after the date of submission of a completed application.''.

(6) WAGE RATES.—Section 1705(c) of the Energy Policy Act of 2005 (42 U.S.C. 16516(c)) is amended by striking ''support under this section'' and inserting ''support under this title''.

SEC. 5. ENERGY TECHNOLOGY DEPLOYMENT GOALS.

(a) GOALS.—Not later than 1 year after the date of enactment of this Act, the Secretary, after consultation with the Advisory Council, shall develop and publish for review and comment in the Federal Register near-, medium-, and long-term goals (including numerical performance targets at appropriate intervals to measure progress toward those goals) for the deployment of clean energy technologies through the credit support programs established by this Act (including an amendment made by this Act) to promote—

(1) sufficient electric generating capacity using clean energy technologies to meet the energy needs of the United States;

(2) clean energy technologies in vehicles and fuels that will substantially reduce the reliance of the United States on foreign sources of energy and insulate consumers from the volatility of world energy markets;

(3) a domestic commercialization and manufacturing capacity that will establish the United States as a world leader in clean energy technologies across multiple sectors;

(4) installation of sufficient infrastructure to allow for the cost-effective deployment of clean energy technologies appropriate to each region of the United States;

(5) the transformation of the building stock of the United States to zero net energy consumption;

(6) the recovery, use, and prevention of waste energy;

(7) domestic manufacturing of clean energy technologies on a scale that is sufficient to achieve price parity with conventional energy sources;

(8) domestic production of commodities and materials (such as steel, chemicals, polymers, and cement) using clean energy technologies so that the United States will become a world leader in environmentally sustainable production of the commodities and materials;

(9) a robust, efficient, and interactive electricity transmission grid that will allow for the incorporation of clean energy technologies, distributed generation, and demand-response in each regional electric grid;

(10) sufficient availability of financial products to allow owners and users of residential, retail, commercial, and industrial buildings to make energy efficiency and distributed generation technology investments with reasonable payback periods; and

(11) such other goals as the Secretary, in consultation with the Advisory Council, determines to be consistent with the purposes of this Act.

(b) REVISIONS.—The Secretary shall revise the goals established under subsection (a), from time to time as appropriate, to account for advances in technology and changes in energy policy.

SEC. 6. CLEAN ENERGY DEPLOYMENT ADMINISTRATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the Department of Energy an administration to be known as the Clean Energy Deployment Administration, under the direction of the Administrator and the Board of Directors.

(2) STATUS.—

(A) IN GENERAL.—The Administration (including officers, employees, and agents of the Administration) shall not be responsible to, or subject to the authority, direction, or control of, any other officer, employee, or agent of the Department of Energy other than the Secretary, acting through the Administrator.

(B) EXEMPTION FROM REORGANIZATION.—The Administration shall be exempt from the reorganization authority provided under section 643 of the Department of Energy Reorganization Act (42 U.S.C. 7253).

(C) INSPECTOR GENERAL.—Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(i) in paragraph (1), by inserting ''the Administrator of the Clean Energy Deployment Administration;'' after ''Export-Import Bank;''; and

(ii) in paragraph (2), by inserting ''the Clean Energy Deployment Administration,'' after ''Export-Import Bank,''.

(3) OFFICES.—

(A) PRINCIPAL OFFICE.—The Administration shall—

(i) maintain the principal office of the Administration in the District of Columbia; and

(ii) for purposes of venue in civil actions, be considered to be a resident of the District of Columbia.

(B) OTHER OFFICES.—The Administration may establish other offices in such other places as the Administration considers necessary or appropriate for the conduct of the business of the Administration.

(b) ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator shall be—

(A) appointed by the President, with the advice and consent of the Senate, for a 5-year term; and

(B) compensated at the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(2) DUTIES.—The Administrator shall—

(A) serve as the Chief Executive Officer of the Administration and Chairman of the Board;

(B) ensure that—

(i) the Administration operates in a safe and sound manner, including maintenance of adequate capital and internal controls (consistent with section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262));

(ii) the operations and activities of the Administration foster liquid, efficient, competitive, and resilient energy and energy efficiency finance markets;

(iii) the Administration carries out the purposes of this Act only through activities that are authorized under and consistent with this Act; and

(iv) the activities of the Administration and the manner in which the Administration is operated are consistent with the public interest;

(C) develop policies and procedures for the Administration that will—

(i) promote a self-sustaining portfolio of investments that will maximize the value of investments to effectively promote clean energy technologies;

(ii) promote transparency and openness in Administration operations;

(iii) afford the Administration with sufficient flexibility to meet the purposes of this Act; and

(iv) provide for the efficient processing of applications; and

(D) with the concurrence of the Board, set expected loss reserves for the support provided by the Administration consistent with section 7(a)(1)(C).

(c) BOARD OF DIRECTORS.—

(1) IN GENERAL.—The Board of Directors of the Administration shall consist of—

(A) the Secretary or the designee of the Secretary, who shall serve as an ex-officio voting member of the Board of Directors;

(B) the Administrator, who shall serve as the Chairman of the Board of Directors; and

(C) 7 additional members who shall—

(i) be appointed by the President, with the advice and consent of the Senate, for staggered 5-year terms; and

(ii) have experience in banking or financial services relevant to the operations of the Administration, including individuals with substantial experience in the development of energy projects, the electricity generation sector, the transportation sector, the manufacturing sector, and the energy efficiency sector.

(2) DUTIES.—The Board of Directors shall—

(A) oversee the operations of the Administration and ensure industry best practices are followed in all financial transactions involving the Administration;

(B) consult with the Administrator on the general policies and procedures of the Administration to ensure the interests of the taxpayers are protected;

(C) ensure the portfolio of investments are consistent with purposes of this Act and with the long-term financial stability of the Administration;

(D) ensure that the operations and activities of the Administration are consistent with the development of a robust private sector that can provide commercial loans or financing products; and

(E) not serve on a full-time basis, except that the Board of Directors shall meet at least quarterly to review, as appropriate, applications for credit support and set policies and procedures as necessary.

(3) REMOVAL.—An appointed member of the Board of Directors may be removed from office by the President for good cause.

(4) VACANCIES.—An appointed seat on the Board of Directors that becomes vacant shall be filled by appointment by the President, but only for the unexpired portion of the term of the vacating member.

(5) COMPENSATION OF MEMBERS.—An appointed member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board of Directors.

(d) ENERGY TECHNOLOGY ADVISORY COUNCIL.—

(1) IN GENERAL.—The Administration shall have an Energy Technology Advisory Council consisting of—

(A) 5 members selected by the Secretary; and

(B) 3 members selected by the Board of Directors of the Administration.

(2) QUALIFICATIONS.—The members of the Advisory Council shall—

(A) have relevant scientific expertise; and

(B) in the case of the members selected by the Secretary under paragraph (1)(A), include representatives of—

(i) the academic community;

(ii) the private research community;

(iii) National Laboratories;

(iv) the technology or project development community; and

(v) the commercial energy financing and operations sector.

(3) DUTIES.—The Advisory Council shall—

(A) develop and publish for comment in the Federal Register a methodology for assessment of clean energy technologies that will allow the Administration to evaluate projects based on the progress likely to be achieved per-dollar invested in maximizing the attributes of the definition of clean energy technology, taking into account the extent to which support for a clean energy technology is likely to accrue subsequent benefits that are attributable to a commercial scale deployment taking place earlier than that which otherwise would have occurred without the support; and

(B) advise on the technological approaches that should be supported by the Administration to meet the technology deployment goals established by the Secretary pursuant to section 5.

(4) TERM.—

(A) IN GENERAL.—Members of the Advisory Council shall have 5-year staggered terms, as determined by the Secretary and the Administrator.

(B) REAPPOINTMENT.—A member of the Advisory Council may be reappointed.

(5) COMPENSATION.—A member of the Advisory Council, who is not otherwise compensated as a Federal employee, shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Advisory Council.

(e) STAFF.—

(1) IN GENERAL.—The Administrator, in consultation with the Board of Directors, may—

(A) appoint and terminate such officers, attorneys, employees, and agents as are necessary to carry out this Act; and

(B) vest those personnel with such powers and duties as the Administrator may determine.

(2) DIRECT HIRE AUTHORITY.—

(A) IN GENERAL.—Notwithstanding section 3304 and sections 3309 through 3318 of title 5, United States Code, the Administrator may, on a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, recruit and directly appoint highly qualified critical personnel with specialized knowledge important to the function of the Administration into the competitive service.

(B) EXCEPTION.—The authority granted under subparagraph (A) shall not apply to positions in the excepted service or the Senior Executive Service.

(C) REQUIREMENTS.—In exercising the authority granted under subparagraph (A), the Administrator shall ensure that any action taken by the Administrator—

(i) is consistent with the merit principles of section 2301 of title 5, United States Code; and

(ii) complies with the public notice requirements of section 3327 of title 5, United States Code.

(D) TERMINATION OF EFFECTIVENESS.—The authority provided by this paragraph terminates effective on the date that is 2 years after the date of enactment of this Act.

(3) CRITICAL PAY AUTHORITY.—

(A) IN GENERAL.—Notwithstanding section 5377 of title 5, United States Code, and without regard to the provisions of that title governing appointments in the competitive service or the Senior Executive Service and chapters 51 and 53 of that title (relating to classification and pay rates), the Administrator may establish, fix the compensation of, and appoint individuals to critical positions needed to carry out the functions of the Administration, if the Administrator certifies that—

(i) the positions require expertise of an extremely high level in a financial, technical, or scientific field;

(ii) the Administration would not successfully accomplish an important mission without such an individual; and

(iii) exercise of the authority is necessary to recruit an individual who is exceptionally well qualified for the position.

(B) LIMITATIONS.—The authority granted under subparagraph (A) shall be subject to the following conditions:

(i) The number of critical positions authorized by subparagraph (A) may not exceed 20 at any 1 time in the Administration.

(ii) The term of an appointment under subparagraph (A) may not exceed 4 years.

(iii) An individual appointed under subparagraph (A) may not have been an Administration employee at any time during the 2-year period preceding the date of appointment.

(iv) Total annual compensation for any individual appointed under subparagraph (A) may not exceed the highest total annual compensation payable at the rate determined under section 104 of title 3, United States Code.

(v) An individual appointed under subparagraph (A) may not be considered to be an employee for purposes of subchapter II of chapter 75 of title 5, United States Code.

(C) NOTIFICATION.—Each year, the Administrator shall submit to Congress a notification that lists each individual appointed under this paragraph.

SEC. 7. ADMINISTRATION FUNCTIONS.

(a) OPERATIONAL UNITS.—

(1) DIRECT SUPPORT.—

(A) IN GENERAL.—The Administration may issue direct loans, letters of credit, loan guarantees, insurance products, or such other credit enhancements or debt instruments (including participation as a co-lender or a member of a syndication) as the Administrator considers appropriate to deploy clean energy technologies if the Administrator has determined that deployment of the technologies would benefit or be accelerated by the support.

(B) ELIGIBILITY CRITERIA.—In carrying out this paragraph and awarding credit support to projects, the Administrator shall account for—

(i) how the technology rates based on an evaluation methodology established by the Advisory Council;

(ii) how the project fits with the goals established under section 5; and

(iii) the potential for the applicant to successfully complete the project.

(C) RISK.—

(i) EXPECTED LOAN LOSS RESERVE.—The Administrator shall establish an expected loan loss reserve to account for estimated losses attributable to activities under this section that is consistent with the purposes of—

(I) developing breakthrough technologies to the point at which technology risk is largely mitigated;

(II) achieving widespread deployment and advancing the commercial viability of clean energy technologies; and

(III) advancing the goals established under section 5.

(ii) INITIAL EXPECTED LOAN LOSS RESERVE.—Until such time as the Administrator determines sufficient data exist to establish an expected loan loss reserve that is appropriate, the Administrator shall consider establishing an initial rate of 10 percent for the portfolio of investments under this Act.

(iii) PORTFOLIO INVESTMENT APPROACH.—The Administration shall—

(I) use a portfolio investment approach to mitigate risk and diversify investments across technologies;

(II) to the maximum extent practicable and consistent with long-term self-sufficiency, weigh the portfolio of investments in

projects to advance the goals established under section 5; and

(III) consistent with the expected loan loss reserve established under this subparagraph, the purposes of this Act, and section 6(b)(2)(B), provide the maximum practicable percentage of support to promote breakthrough technologies.

(iv) LOSS RATE REVIEW.—

(I) IN GENERAL.—The Board of Directors shall review on an annual basis the loss rates of the portfolio to determine the adequacy of the reserves.

(II) REPORT.—Not later than 90 days after the date of the initiation of the review, the Administrator shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the review and any recommended policy changes.

(D) APPLICATION REVIEW.—

(i) IN GENERAL.—To the maximum extent practicable and consistent with sound business practices, the Administration shall seek to consolidate reviews of applications for credit support under this Act such that final decisions on applications can generally be issued not later than 180 days after the date of submission of a completed application.

(ii) ENVIRONMENTAL REVIEW.—In carrying out this Act, the Administration shall, to the maximum extent practicable—

(I) avoid duplicating efforts that have already been undertaken by other agencies (including State agencies acting under Federal programs); and

(II) with the advice of the Council on Environmental Quality and any other applicable agencies, use the administrative records of similar reviews conducted throughout the executive branch to develop the most expeditious review process practicable.

(E) WAGE RATE REQUIREMENTS.—

(i) IN GENERAL.—No credit support shall be issued under this section unless the borrower has provided to the Administrator reasonable assurances that all laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part by the Administration will be paid wages at rates not less than those prevailing on projects of a character similar to the contract work in the civil subdivision of the State in which the contract work is to be performed as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code.

(ii) LABOR STANDARDS.—With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(2) INDIRECT SUPPORT.—

(A) IN GENERAL.—The Administration shall work to develop financial products and arrangements to both promote the widespread deployment of, and mobilize private sector support of credit and investment institutions for, clean energy technologies through securitization, indirect credit support, or other similar means of credit enhancement.

(B) FINANCIAL PRODUCTS.—The Administration—

(i) in cooperation with Federal, State, local, and private sector entities, shall develop debt instruments that provide for the aggregation of, or directly aggregate, projects for clean energy technology deployments on a scale appropriate for residential or commercial applications; and

(ii) may purchase, and make commitments to purchase, any debt instrument associated with the deployment of clean energy technologies for the purposes of enhancing the availability of private financing for clean energy technology deployments.

(C) DISPOSITION OF DEBT OR INTEREST.—The Administration may acquire, hold, and sell or otherwise dispose of, pursuant to commitments or otherwise, any debt associated with the deployment of clean energy technologies or interest in the debt.

(D) PRICING.—

(i) IN GENERAL.—The Administrator may establish requirements, and impose charges or fees, which may be regarded as elements of pricing, for different classes of sellers, servicers, or services.

(ii) CLASSIFICATION OF SELLERS AND SERVICERS.—For the purpose of clause (i), the Administrator may classify sellers and servicers as necessary to promote transparency and liquidity and properly characterize the risk of default.

(E) ELIGIBILITY.—The Administrator shall establish—

(i) eligibility criteria for loan originators, sellers, and servicers seeking support for portfolios of financial obligations relating to clean energy technologies so as to ensure the capability of the loan originators, sellers, and servicers to perform the functions required to maintain the expected performance of the portfolios; and

(ii) such criteria, standards, guidelines, and mechanisms such that, to the maximum extent practicable, loan originators and sellers will be able to determine the eligibility of loans for resale at the time of initial lending.

(F) SECONDARY MARKET SUPPORT.—

(i) IN GENERAL.—The Administration may lend on the security of, and make commitments to lend on the security of, any debt that the Administration has issued or is authorized to purchase under this section.

(ii) AUTHORIZED ACTIONS.—On such terms and conditions as the Administrator may prescribe, the Administration may, with the concurrence of the Board of Directors—

(I) borrow;

(II) give security;

(III) pay interest or other return; and

(IV) issue notes, debentures, bonds, or other obligations or securities.

(G) LENDING ACTIVITIES.—

(i) IN GENERAL.—The Administrator shall determine—

(I) the volume of the lending activities of the Administration; and

(II) the types of loan ratios, risk profiles, interest rates, maturities, and charges or fees in the secondary market operations of the Administration.

(ii) OBJECTIVES.—Determinations under clause (i) shall be consistent with the objectives of—

(I) providing an attractive investment environment for clean energy technologies;

(II) making the operations of the Administration self-supporting over the long term; and

(III) advancing the goals established under section 5.

(H) EXEMPT SECURITIES.—All securities issued or guaranteed by the Administration shall, to the same extent as securities that are direct obligations of or obligations guaranteed as to principal or interest by the United States, be considered to be exempt securities within the meaning of the laws administered by the Securities and Exchange Commission.

(b) OTHER AUTHORIZED PROGRAMS.—

(1) IN GENERAL.—The Secretary may delegate to the Administration the provision of financial services and program management for grant, loan, and other credit enhancement programs authorized under any other provision of law.

(2) ADMINISTRATION.—In administering any other program delegated by the Secretary, the Administration shall, to the maximum extent practicable (as determined by the Administrator)—

(A) administer the program in a manner that is consistent with the terms and conditions of this Act; and

(B) minimize the administrative costs to the Federal Government.

SEC. 8. FEDERAL CREDIT AUTHORITY.

(a) TRANSFER OF FUNCTIONS AND AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), on a finding by the Secretary and the Administrator that the Administration is sufficiently ready to assume the functions and that applicants to those programs will not be unduly adversely affected but in no case later than 18 months after the date of enactment of this Act, all of the functions and authority of the Secretary under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) and authorities established by this Act shall be transferred to the Administration.

(2) FAILURE TO TRANSFER FUNCTIONS.—If the functions and authorities are not transferred to the Administration in accordance with paragraph (1), the Secretary and the Administrator shall submit to Congress a report on the reasons for delay and an expected timetable for transfer of the functions and authorities to the Administration.

(3) EFFECT ON EXISTING RIGHTS AND OBLIGATIONS.—The transfer of functions and authority under this subsection shall not affect the rights and obligations of any party that arise under a predecessor program or authority prior to the transfer under this subsection.

(4) TRANSFER OF FUND AUTHORITY.—On transfer of functions pursuant to paragraph (1), the Administration shall have all authorities to make use of the Fund reserved for the Secretary before the transfer.

(5) USE.—Amounts in the Fund shall be available for discharge of liabilities and all other expenses of the Administration, including subsequent transfer to the respective credit program accounts.

(6) INITIAL INVESTMENT.—

(A) IN GENERAL.—On transfer of functions pursuant to paragraph (1), out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Fund to carry out this Act $10,000,000,000, to remain available until expended.

(B) RECEIPT AND ACCEPTANCE.—The Fund shall be entitled to receive and shall accept, and shall be used to carry out this Act, the funds transferred to the Fund under subparagraph (A), without further appropriation.

(7) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available by paragraphs (1) through (6), there are authorized to be appropriated to the Fund such sums as are necessary to carry out this Act.

(b) PAYMENTS OF LIABILITIES.—

(1) IN GENERAL.—Any payment made to discharge liabilities arising from agreements under this Act shall be paid out of the Fund or the associated credit program account, as appropriate.

(2) SECURITY.—The full faith and credit of the United States is pledged to the payment of all obligations entered into by the Administration pursuant to this Act.

(c) FEES.—

(1) IN GENERAL.—Consistent with achieving the purposes of this Act, the Administrator shall charge fees or collect compensation generally in accordance with commercial rates.

(2) AVAILABILITY OF FEES.—All fees collected by the Administration may be retained by the Administration and placed in

the Fund and may remain available to the Administration, without further appropriation or fiscal year limitation, for use in carrying out the purposes of this Act.

(3) BREAKTHROUGH TECHNOLOGIES.—The Administration shall charge the minimum amount in fees or compensation practicable for breakthrough technologies, consistent with the long-term viability of the Administration, unless the Administration first determines that a higher charge will not impede the development of the technology.

(4) ALTERNATIVE FEE ARRANGEMENTS.—The Administration may use such alternative arrangements (such as profit participation, contingent fees, and other valuable contingent interests) as the Administration considers appropriate to compensate the Administration for the expenses of the Administration and the risk inherent in the support of the Administration.

(d) COST TRANSFER AUTHORITY.—Amounts collected by the Administration for the cost of a loan or loan guarantee shall be transferred by the Administration to the respective credit program accounts.

(e) SUPPLEMENTAL BORROWING AUTHORITY.—In order to maintain sufficient liquidity for activities authorized under section 7(a)(2), the Administration may issue notes, debentures, bonds, or other obligations for purchase by the Secretary of the Treasury.

(f) PUBLIC DEBT TRANSACTIONS.—For the purpose of subsection (e)—

(1) the Secretary of the Treasury may use as a public debt transaction the proceeds of the sale of any securities issued under chapter 31 of title 31, United States Code; and

(2) the purposes for which securities may be issued under that chapter are extended to include any purchase under this subsection.

(g) MAXIMUM OUTSTANDING HOLDING.—The Secretary of the Treasury shall purchase instruments issued under subsection (e) to the extent that the purchase would not increase the aggregate principal amount of the outstanding holdings of obligations under subsection (e) by the Secretary of the Treasury to an amount that is greater than $2,000,000,000.

(h) RATE OF RETURN.—Each purchase of obligations by the Secretary of the Treasury under this section shall be on terms and conditions established to yield a rate of return determined by the Secretary of the Treasury to be appropriate, taking into account the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the purchase.

(i) SALE OF OBLIGATIONS.—The Secretary of the Treasury may at any time sell, on terms and conditions and at prices determined by the Secretary of the Treasury, any of the obligations acquired by the Secretary of the Treasury under this section.

(j) PUBLIC DEBT TRANSACTIONS.—All redemptions, purchases, and sales by the Secretary of the Treasury of obligations under this section shall be treated as public debt transactions of the United States.

SEC. 9. GENERAL PROVISIONS.

(a) IMMUNITY FROM IMPAIRMENT, LIMITATION, OR RESTRICTION.—

(1) IN GENERAL.—All rights and remedies of the Administration (including any rights and remedies of the Administration on, under, or with respect to any mortgage or any obligation secured by a mortgage) shall be immune from impairment, limitation, or restriction by or under—

(A) any law (other than a law enacted by Congress expressly in limitation of this paragraph) that becomes effective after the acquisition by the Administration of the subject or property on, under, or with respect to which the right or remedy arises or exists or would so arise or exist in the absence of the law; or

(B) any administrative or other action that becomes effective after the acquisition.

(2) STATE LAW.—The Administrator may conduct the business of the Administration without regard to any qualification or law of any State relating to incorporation.

(b) USE OF OTHER AGENCIES.—With the consent of a department, establishment, or instrumentality (including any field office), the Administration may—

(1) use and act through any department, establishment, or instrumentality;

(2) use, and pay compensation for, information, services, facilities, and personnel of the department, establishment, or instrumentality.

(c) PROCUREMENT.—The Administrator shall be the senior procurement officer for the Administration for purposes of section 16(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(a)).

(d) FINANCIAL MATTERS.—

(1) INVESTMENTS.—Funds of the Administration may be invested in such investments as the Board of Directors may prescribe.

(2) FISCAL AGENTS.—Any Federal Reserve bank or any bank as to which at the time of the designation of the bank by the Administrator there is outstanding a designation by the Secretary of the Treasury as a general or other depository of public money, may be designated by the Administrator as a depositary or custodian or as a fiscal or other agent of the Administration.

(e) JURISDICTION.—Notwithstanding section 1349 of title 28, United States Code, or any other provision of law—

(1) the Administration shall be considered a corporation covered by sections 1345 and 1442 of title 28, United States Code;

(2) all civil actions to which the Administration is a party shall be considered to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of all such actions, without regard to amount or value; and

(3) any civil or other action, case or controversy in a court of a State, or in any court other than a district court of the United States, to which the Administration is a party may at any time before trial be removed by the Administration, without the giving of any bond or security and by following any procedure for removal of causes in effect at the time of the removal—

(A) to the district court of the United States for the district and division embracing the place in which the same is pending; or

(B) if there is no such district court, to the district court of the United States for the district in which the principal office of the Administration is located.

(f) PERIODIC REPORTS.—Not later than 1 year after commencement of operation of the Administration and at least biannually thereafter, the Administrator shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that includes a description of—

(1) the technologies supported by activities of the Administration and how the activities advance the purposes of this Act; and

(2) the performance of the Administration on meeting the goals established under section 5.

(g) AUDITS BY THE COMPTROLLER GENERAL.—

(1) IN GENERAL.—The programs, activities, receipts, expenditures, and financial transactions of the Administration shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General.

(2) ACCESS.—The representatives of the Government Accountability Office shall—

(A) have access to the personnel and to all books, accounts, documents, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to, under the control of, or in use by the Administration, or any agent, representative, attorney, advisor, or consultant retained by the Administration, and necessary to facilitate the audit;

(B) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians;

(C) be authorized to obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to the audit without cost to the Comptroller General; and

(D) have the right of access of the Comptroller General to such information pursuant to section 716(c) of title 31, United States Code.

(3) ASSISTANCE AND COST.—

(A) IN GENERAL.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), professional services of firms and organizations of certified public accountants for temporary periods or for special purposes.

(B) REIMBURSEMENT.—

(i) IN GENERAL.—On the request of the Comptroller General, the Administration shall reimburse the General Accountability Office for the full cost of any audit conducted by the Comptroller General under this subsection.

(ii) CREDITING.—Such reimbursements shall—

(I) be credited to the appropriation account entitled ''Salaries and Expenses, Government Accountability Office'' at the time at which the payment is received; and

(II) remain available until expended.

(h) ANNUAL INDEPENDENT AUDITS.—

(1) IN GENERAL.—The Administrator shall—

(A) have an annual independent audit made of the financial statements of the Administration by an independent public accountant in accordance with generally accepted auditing standards; and

(B) submit to the Secretary the results of the audit.

(2) CONTENT.—In conducting an audit under this subsection, the independent public accountant shall determine and report on whether the financial statements of the Administration—

(A) are presented fairly in accordance with generally accepted accounting principles; and

(B) comply with any disclosure requirements imposed under this Act.

(i) FINANCIAL REPORTS.—

(1) IN GENERAL.—The Administrator shall submit to the Secretary annual and quarterly reports of the financial condition and operations of the Administration, which shall be in such form, contain such information, and be submitted on such dates as the Secretary shall require.

(2) CONTENTS OF ANNUAL REPORTS.—Each annual report shall include—

(A) financial statements prepared in accordance with generally accepted accounting principles;

(B) any supplemental information or alternative presentation that the Secretary may require; and

(C) an assessment (as of the end of the most recent fiscal year of the Administration), signed by the chief executive officer

and chief accounting or financial officer of the Administration, of—

(i) the effectiveness of the internal control structure and procedures of the Administration; and

(ii) the compliance of the Administration with applicable safety and soundness laws.

(3) SPECIAL REPORTS.—The Secretary may require the Administrator to submit other reports on the condition (including financial condition), management, activities, or operations of the Administration, as the Secretary considers appropriate.

(4) ACCURACY.—Each report of financial condition shall contain a declaration by the Administrator or any other officer designated by the Board of Directors of the Administration to make the declaration, that the report is true and correct to the best of the knowledge and belief of the officer.

(5) AVAILABILITY OF REPORTS.—Reports required under this section shall be published and made publicly available as soon as is practicable after receipt by the Secretary.

(j) SCOPE AND TERMINATION OF AUTHORITY.—

(1) NEW OBLIGATIONS.—The Administrator shall not initiate any new obligations under this Act on or after January 1, 2029.

(2) REVERSION TO SECRETARY.—The authorities and obligations of the Administration shall revert to the Secretary on January 1, 2029.

By Mr. BROWNBACK (for himself, Mr. INOUYE, Mr. BAUCUS, Mrs. BOXER, Mr. CRAPO, Ms. CANTWELL, Mr. COBURN, Mr. HARKIN, Mr. LIEBERMAN, and Mr. TESTER):

S.J. Res. 14. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the Federal Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Indian Affairs.

Mr. BROWNBACK. Mr. President, I rise today to introduce a resolution that in many ways is long overdue, a resolution to officially apologize for the past ill-conceived policies by the US Government toward the Native Peoples of this land and re-affirm our commitment toward healing our nation's wounds and working toward establishing better relationships rooted in reconciliation.

Apologies are often-times difficult, but like treaties, go beyond mere words and usher in a true spirit of reconciling past difficulties and help to pave the way toward a united future. Perhaps Dr. King said it best when he stated, ''The end is reconciliation, the end is redemption, the end is the creation of the beloved community.'' This is our goal, with this resolution today.

Native Americans have a vast and proud legacy on this continent. Long before 1776 and the establishment of the United States of America, Native peoples inhabited this land and maintained a powerful physical and spiritual connection to it. In service to the Creator, Native peoples sowed the land, journeyed it, and protected it. The people from my State of Kansas have a similar strong attachment to the land.

Like many in my State, I was raised on the land. I grew up farming and caring for the land. I and many in my State established a connection to this land as well. We care for our Nation and the land of our forefathers so greatly that we too are willing to serve and protect it, as faithful stewards of the creation with which God has blessed us. I believe without a doubt citizens across this great Nation share this sentiment and know its unifying power. Americans have stood side by side for centuries to defend this land we love.

Both the Founding Fathers of the United States, it and the indigenous tribes that lived here were attached to this land. Both sought to steward and protect it. There were several instances of collegiality and cooperation between our forbears—for example, in Jamestown, VA, Plymouth, MA, and in aid to explorers Lewis and Clark. Yet, sadly, since the formation of the American Republic, numerous conflicts have ensued between our Government, the Federal Government, and many of these tribes, conflicts in which warriors on all sides fought courageously and which all sides suffered. Even from the earliest days of our Republic there existed a sentiment that honorable dealings and a peaceful coexistence were clearly preferable to bloodshed. Indeed, our predecessors in Congress in 1787 stated in the Northwest Ordinance:

''The utmost good faith shall always be observed toward the Indians.''

Many treaties were made between the U.S. Government and Native peoples, but treaties are far more than just words on a page. Treaties represent our word, and they represent our bond. Treaties with other governments are not to be regarded lightly. Unfortunately, again, too often the United States did not uphold its responsibilities as stated in its covenants with Native tribes.

I have read all of the treaties in my State between the tribes and the Federal Government that apply to Kansas. They generally came in tranches of three. First, there would be a big land grant to the tribe. Then there would be a much smaller one associated with some equipment and livestock, and then a much smaller one after that.

Too often, our Government broke its solemn oath to Native Americans. For too long, relations between the U.S. and Native people of this land have been in disrepair. For too much of our history, Federal tribal relations have been marked by broken treaties, mistreatment, and dishonorable dealings.

I believe it is time to work to restore these relationships to good health. While the record of the past cannot be and should not be erased, I am confident the United States can acknowledge its past failures, express sincere regrets, and work toward establishing a brighter future for all Americans. It is in this spirit of hope for our land that I and my Senate colleagues, Senators INOUYE, BAUCUS, BOXER, CRAPO, CANTWELL, COBURN, HARKIN, LIEBERMAN, and TESTER, are offering this Senate Joint Resolution, the Native American Apology Resolution. I am also pleased to be in partnership with Representative DAN BOREN who is offering the companion Joint Resolution in the House of Representatives today as well.

This resolution will extend a formal apology from the U.S. to tribal governments and Native peoples nationwide—something we have never done; something we should have done years and years ago.

I am proud that this Joint Resolution, which I have introduced since the 107th Congress, has passed the Indian Affairs Committee unanimously in the 108th, 109th and 110th Congresses and passed the Senate in the 110th Congress.

Additionally, I want my fellow Senators to note this resolution does not—does not—dismiss the valiance of our American soldiers who fought bravely for their families in wars between the United States and a number of the Indian tribes, nor does this resolution cast all the blame for the various battles on one side or another.

Further, this resolution will not resolve the many challenges still facing Native Americans, nor will it authorize, support or settle any claims against the United States. It doesn't have anything to do with any property claims against the United States. That is specifically set aside and not in this bill. What this resolution does do is recognize and honor the importance of Native Americans to this land and to the U.S. in the past and today and offers an official apology for the poor and painful path the U.S. Government sometimes made in relation to our Native brothers and sisters by disregarding our solemn word to Native peoples. It recognizes the negative impact of numerous destructive Federal acts and policies on Native Americans and their culture, and it begins—begins—the effort of reconciliation.

President Ronald Reagan spoke of the importance of reconciliation many times throughout his Presidency. In a 1984 speech to mark the 40th anniversary of the day when the Allied armies joined in battle to free the European Continent from the grip of the Axis powers, Reagan implored the United States and Europe to ''prepare to reach out in the spirit of reconciliation.''

This resolution is not a panacea of course, but perhaps it signals the beginning of the end of division and a faint first light and first fruits of reconciliation and the creation of beloved community Dr. King so eloquently described.

This is a resolution of apology and a resolution of reconciliation. It is a step toward healing the wounds that have divided our country for so long—a potential foundation for a new era of positive relations between tribal governments and the Federal Government.

It is time, as I have stated, for us to heal our land of division, all divisions, and bring us together. I hope a number

of my colleagues in the Senate will join me and support this resolution and begin a much needed healing process in this Nation.

Mr. President, I ask that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 14

Whereas the ancestors of today's Native Peoples inhabited the land of the present-day United States since time immemorial and for thousands of years before the arrival of people of European descent;

Whereas for millennia, Native Peoples have honored, protected, and stewarded this land we cherish;

Whereas Native Peoples are spiritual people with a deep and abiding belief in the Creator, and for millennia Native Peoples have maintained a powerful spiritual connection to this land, as evidenced by their customs and legends;

Whereas the arrival of Europeans in North America opened a new chapter in the history of Native Peoples;

Whereas while establishment of permanent European settlements in North America did stir conflict with nearby Indian tribes, peaceful and mutually beneficial interactions also took place;

Whereas the foundational English settlements in Jamestown, Virginia, and Plymouth, Massachusetts, owed their survival in large measure to the compassion and aid of Native Peoples in the vicinities of the settlements;

Whereas in the infancy of the United States, the founders of the Republic expressed their desire for a just relationship with the Indian tribes, as evidenced by the Northwest Ordinance enacted by Congress in 1787, which begins with the phrase, ''The utmost good faith shall always be observed toward the Indians'';

Whereas Indian tribes provided great assistance to the fledgling Republic as it strengthened and grew, including invaluable help to Meriwether Lewis and William Clark on their epic journey from St. Louis, Missouri, to the Pacific Coast;

Whereas Native Peoples and non-Native settlers engaged in numerous armed conflicts in which unfortunately, both took innocent lives, including those of women and children;

Whereas the Federal Government violated many of the treaties ratified by Congress and other diplomatic agreements with Indian tribes;

Whereas the United States forced Indian tribes and their citizens to move away from their traditional homelands and onto federally established and controlled reservations, in accordance with such Acts as the Act of May 28, 1830 (4 Stat. 411, chapter 148) (commonly known as the ''Indian Removal Act'');

Whereas many Native Peoples suffered and perished—

(1) during the execution of the official Federal Government policy of forced removal, including the infamous Trail of Tears and Long Walk;

(2) during bloody armed confrontations and massacres, such as the Sand Creek Massacre in 1864 and the Wounded Knee Massacre in 1890; and

(3) on numerous Indian reservations;

Whereas the Federal Government condemned the traditions, beliefs, and customs of Native Peoples and endeavored to assimilate them by such policies as the redistribution of land under the Act of February 8, 1887 (25 U.S.C. 331; 24 Stat. 388, chapter 119) (commonly known as the ''General Allotment Act''), and the forcible removal of Native children from their families to faraway boarding schools where their Native practices and languages were degraded and forbidden;

Whereas officials of the Federal Government and private United States citizens harmed Native Peoples by the unlawful acquisition of recognized tribal land and the theft of tribal resources and assets from recognized tribal land;

Whereas the policies of the Federal Government toward Indian tribes and the breaking of covenants with Indian tribes have contributed to the severe social ills and economic troubles in many Native communities today;

Whereas despite the wrongs committed against Native Peoples by the United States, Native Peoples have remained committed to the protection of this great land, as evidenced by the fact that, on a per capita basis, more Native Peoples have served in the United States Armed Forces and placed themselves in harm's way in defense of the United States in every major military conflict than any other ethnic group;

Whereas Indian tribes have actively influenced the public life of the United States by continued cooperation with Congress and the Department of the Interior, through the involvement of Native individuals in official Federal Government positions, and by leadership of their own sovereign Indian tribes;

Whereas Indian tribes are resilient and determined to preserve, develop, and transmit to future generations their unique cultural identities;

Whereas the National Museum of the American Indian was established within the Smithsonian Institution as a living memorial to Native Peoples and their traditions; and

Whereas Native Peoples are endowed by their Creator with certain unalienable rights, and among those are life, liberty, and the pursuit of happiness.

Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESOLUTION OF APOLOGY TO NATIVE PEOPLES OF UNITED STATES.

(a) ACKNOWLEDGMENT AND APOLOGY.—The United States, acting through Congress—

(1) recognizes the special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share;

(2) commends and honors Native Peoples for the thousands of years that they have stewarded and protected this land;

(3) recognizes that there have been years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes;

(4) apologizes on behalf of the people of the United States to all Native Peoples for the many instances of violence, maltreatment, and neglect inflicted on Native Peoples by citizens of the United States;

(5) expresses its regret for the ramifications of former wrongs and its commitment to build on the positive relationships of the past and present to move toward a brighter future where all the people of this land live reconciled as brothers and sisters, and harmoniously steward and protect this land together;

(6) urges the President to acknowledge the wrongs of the United States against Indian tribes in the history of the United States in order to bring healing to this land; and

(7) commends the State governments that have begun reconciliation efforts with recognized Indian tribes located in their boundaries and encourages all State governments similarly to work toward reconciling relationships with Indian tribes within their boundaries.

(b) DISCLAIMER.—Nothing in this Joint Resolution—

(1) authorizes or supports any claim against the United States; or

(2) serves as a settlement of any claim against the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 121—DESIGNATING MAY 15, 2009, AS ''ENDANGERED SPECIES DAY''

Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. AKAKA, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. FEINGOLD, Mr. KERRY, Mr. LEVIN, Mr. SANDERS, and Mr. WHITEHOUSE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 121

Whereas, in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits that may be derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland's warbler, the peregrine falcon, the gray wolf, the gray whale, the grizzly bear, and others have resulted in great improvements in the viability of such species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education;

Whereas ⅔ of endangered or threatened species reside on private lands;

Whereas voluntary cooperative conservation programs have proven to be critical to habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2009, as ''Endangered Species Day'';

(2) encourages schools to spend at least 30 minutes on Endangered Species Day teaching and informing students about—

(A) threats to endangered species around the world; and

(B) efforts to restore endangered species, including the essential role of private landowners and private stewardship in the protection and recovery of species;

(3) encourages organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate in developing educational information for use in schools; and

(4) encourages the people of the United States—

(A) to become educated about, and aware of, threats to species, success stories in species recovery, and opportunities to promote species conservation worldwide; and

(B) to observe the day with appropriate ceremonies and activities.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a resolution to establish the fourth annual Endangered

Species Day on May 15, 2009. I am introducing this legislation with Senators COLLINS, BOXER, BROWN, CANTWELL, FEINGOLD, KERRY, LEVIN, SANDERS, WHITEHOUSE, and AKAKA whose cosponsorship and support of this resolution I appreciate very much.

The designation of Endangered Species Day will provide many wonderful opportunities for Americans to familiarize themselves with the status and recovery efforts of endangered species in our own country and around the world, including such magnificent species as the polar bear.

Last year, more than 100 events were held across the country to highlight endangered species success stories, and even more are slated for this year. Educational activities were held at zoos, aquariums, libraries, and schools across the country, including Disney's Animal Kingdom in Florida, the San Diego Zoo in California, the Port Defiance Zoo and Aquarium in Tacoma, Washington, and the Bronx Zoo in New York City.

Based on the success of last year, I am confident that this year's Endangered Species Day will continue to foster increased awareness about endangered species by encouraging educational activities such as school field trips to the zoo or attending an art fair at a local library.

Endangered species recovery programs in California are great examples of the conservation and management efforts that have helped to significantly restore populations of the California condor and the California gray whale. Over 300 species classified as either endangered or threatened live in California, and efforts to protect them will ensure that they continue to do so.

Despite these success stories, we must consider what more can be done. There are over 5,000 threatened species that receive protection in the United States and abroad. An important step to preventing further threats to and endangerment of wildlife is to increase awareness about the seriousness of the problem and educating our youth on what we can do.

I would also like to commend the Interior Secretary Ken Salazar and Commerce Secretary Gary Locke, who recently lifted the Bush administration's last-minute consultation rule. This will allow the United States to take immediate action to ensure that independent wildlife experts are consulted on the impacts on endangered and threatened species.

I am introducing this bill with the hope that Endangered Species Day can spark the interest in our youth to continue the conservation efforts that we have begun, but are still far from finishing.

SENATE RESOLUTION 122—DESIGNATING APRIL 30, 2009, AS ''DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS'', AND FOR OTHER PURPOSES

Mr. MENENDEZ (for himself, Mr. HATCH, Mr. BINGAMAN, Mr. KENNEDY, Mr. DURBIN, Mrs. BOXER, Mr. SCHUMER, Mr. UDALL of New Mexico, Mr. LAUTENBERG, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. CORNYN, Mr. CRAPO, Mr. MARTINEZ, Mr. COCHRAN, Mr. NELSON of Florida, and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 122

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate ''Día de los Niños'', or ''Day of the Children'', on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States and are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas according to the latest Census report, there are more than 44,000,000 individuals of Hispanic descent living in the United States, nearly 15,000,000 of whom are children;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on Día de los Niños, and wish to share this custom with the rest of the Nation;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and that encourage children to explore and develop confidence;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the Nation to declare April 30 as ''Día de los Niños: Celebrating Young Americans'', a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2009, as ''Día de los Niños: Celebrating Young Americans''; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength and the will and fire of the human spirit to make their dreams come true.

SENATE RESOLUTION 123—EXPRESSING SUPPORT FOR DESIGNATION OF MAY 2, 2009, AS ''VIETNAMESE REFUGEES DAY''

Mr. WEBB submitted the following resolution; which was considered and agreed to:

S. RES. 123

Whereas the Library of Congress' Asian Division together with many Vietnamese-American organizations across the United States will sponsor a ''Journey to Freedom: A Boat People Retrospective'' symposium on May 2, 2009;

Whereas Vietnamese refugees were asylum-seekers from Communist-controlled Vietnam;

Whereas many Vietnamese escaped in boats during the late 1970s, after the Vietnam War and by land across the Cambodian, Laotian, and Thai borders into refugee camps in Thailand;

Whereas over 2,000,000 Vietnamese boat people and other refugees are now spread across the world, in the United States, Australia, Canada, France, England, Germany, China, Japan, Hong Kong, South Korea, the Philippines, and other nations;

Whereas over half of all overseas Vietnamese are Vietnamese-Americans, and Vietnamese-Americans are the fourth-largest Asian American group in the United States;

Whereas, as of 2006, 72 percent of Vietnamese-Americans were naturalized United States citizens, the highest rate among all Asian groups;

Whereas Vietnamese-Americans have made significant contributions to the rich culture and economic prosperity of the United States;

Whereas Vietnamese-Americans have distinguished themselves in the fields of literature, the arts, science, and athletics, and include actors and actresses, physicists, an astronaut, and Olympic athletes; and

Whereas May 2, 2009, would be an appropriate day to designate as ''Vietnamese Refugees Day'': Now, therefore, be it

Resolved, That the Senate supports the designation of ''Vietnamese Refugees Day'' in order to commemorate the arrival of Vietnamese refugees in the United States, to document their harrowing experiences, and subsequent achievements in their new homeland, to honor the host countries that welcomed the boat people, and to recognize the voluntary agencies and nongovernmental organizations that facilitated their resettlement, adjustment, and assimilation into mainstream society in the United States.

SENATE RESOLUTION 124—RECOGNIZING THE THREATS TO PRESS FREEDOM AND EXPRESSION AROUND THE WORLD AND REAFFIRMING PRESS FREEDOM AS A PRIORITY IN THE EFFORTS OF THE UNITED STATES TO PROMOTE DEMOCRACY AND GOOD GOVERNANCE, ON THE OCCASION OF WORLD PRESS FREEDOM DAY ON MAY 3, 2009

Mr. FEINGOLD (for himself, Mr. KAUFMAN, Mr. LUGAR, Mr. LEAHY, Mr. DURBIN, Mr. KERRY, Mr. CASEY, Mr. LIEBERMAN, Mr. ISAKSON, Mr. CARDIN, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 124

Whereas, in 1993, the United Nations General Assembly proclaimed May 3 of each year as ''World Press Freedom Day'' to celebrate the fundamental principles of press freedom, to evaluate the state of press freedom around the world, to defend the media from attacks on the independence of the media, and to pay tribute to journalists who have lost their lives in the line of duty;

Whereas, according to the International Federation of Journalists, at least 109 journalists and other media workers were killed in 2008 while on assignment;

Whereas, according to the Committee to Protect Journalists, nearly 3 out of 4 journalists killed in the line of duty are murdered, and the killers go unpunished in nearly 9 of 10 cases;

Whereas, according to estimates by Reporters Without Borders, in 2008, 673 journalists were arrested, 929 journalists were physically attacked or threatened, and 29 journalists were kidnapped;

Whereas Freedom House reported that press freedom has been declining during recent years in both authoritarian countries and established democracies;

Whereas, reflecting the rise in influence of Internet reporting, an increasing number of online editors, bloggers, and web-based reporters are being imprisoned and their websites closed; and

Whereas press freedom is a key component of democratic governance and socio-economic development and enhances public accountability, transparency and participation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the threats to press freedom and expression around the world, on the occasion of World Press Freedom Day on May 3, 2009;

(2) commends journalists around the world for the essential role they play in promoting government accountability and strengthening civil society, despite numerous threats;

(3) pays tribute to the journalists who have lost their lives in the line of duty;

(4) condemns all actions around the world that suppress press freedom;

(5) reaffirms the centrality of press freedom to efforts by the United States to support democracy, mitigate conflict, and promote good governance around the world; and

(6) calls on the President and the Secretary of State to develop means by which the United States Government can more rapidly identify, publicize, and respond to threats against press freedom around the world.

SENATE CONCURRENT RESOLUTION 22—SUPPORTING THE GOALS AND IDEALS OF NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH 2009

Mr. CASEY (for himself and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 22

Whereas on average, a person is sexually assaulted in the United States every 2½ minutes;

Whereas the Department of Justice reports that 191,670 people in the United States were sexually assaulted in 2005;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,688 reports of sexual assault involving members of the Armed Forces in fiscal year 2007;

Whereas children and young adults are most at risk for sexual assault, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attacks to law enforcement agencies;

Whereas ⅔ of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas prevention education programs carried out by rape crisis and women's health centers have the potential to reduce the prevalence of sexual assault in their communities;

Whereas because of recent advances in DNA technology, law enforcement agencies now have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault; and

Whereas April 2009 is recognized as ''National Sexual Assault Awareness and Prevention Month'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its survivors, and increasing the number of successful prosecutions of its perpetrators; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) Congress strongly recommends that national and community organizations, businesses in the private sector, colleges and universities, and the media promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) Congress supports the goals and ideals of National Sexual Assault Awareness and Prevention Month 2009.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1014. Mr. DURBIN (for himself, Mr. DODD, Mr. REID, Mr. SCHUMER, Mr. WHITEHOUSE, and Mr. HARKIN) proposed an amendment to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability.

SA 1015. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1016. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra.

SA 1017. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra.

SA 1018. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 896, supra.

SA 1019. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra.

SA 1020. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1021. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1022. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1023. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

SA 1024. Mr. KERRY (for himself, Mrs. BOXER, Mrs. GILLIBRAND, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

SA 1025. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1026. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1027. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1028. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 896, supra; which was ordered to lie on the table.

SA 1029. Mr. SCHUMER submitted an amendment intended to be proposed by him to the resolution S. Res. 93, a bill supporting the mission and goals of 2009 National Crime Victim's Rights Week, to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984.

TEXT OF AMENDMENTS

SA 1014. Mr. DURBIN (for himself, Mr. DODD, Mr. REID, Mr. SCHUMER, Mr. WHITEHOUSE, and Mr. HARKIN) proposed an amendment to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; as follows:

At the end of the bill, add the following:

TITLE V—PREVENTION OF MORTGAGE FORECLOSURES

Subtitle A—Modification of Residential Mortgages

SEC. 501. DEFINITIONS.

Section 101 of title 11, United States Code, is amended by inserting after paragraph (43) the following:

''(43A)(A) The term 'qualified loan modification offer' means a loan modification agreement that is consistent with the terms described in subparagraph (B) and that is offered—

''(i) in accordance with the guidelines of the Homeowner Affordability and Stability Plan, to a debtor who qualifies for such plan;

''(ii) in accordance with the qualified loan guidelines described in subparagraph (C)(i) for loans insured or guaranteed by the Federal Housing Administration of the Department of Housing and Urban Development, the Department of Veterans Affairs, or the Department of Agriculture, to a debtor for whom a loan is insured or guaranteed under programs of such Government entities; or

''(iii) in accordance with qualified loan guidelines described in subparagraph (C)(ii) to a debtor who does not qualify for the Homeowner Affordability and Stability Plan, for a loan for which the servicer is not a participant in such plan, and for whom a loan is not insured or guaranteed under programs of the Government entities described in subparagraph (A)(ii).

''(B) For purposes of this paragraph, a 'qualified loan modification offer'—

''(i) requires no fees or charges to be paid by the debtor in order to obtain such modification;

''(ii) permits the debtor to continue to make payments under the modification agreement, notwithstanding the filing of a case under this title, as if such case had not been filed;

''(iii) is offered in good faith to the debtor in writing, not later than 45 days after the date on which the debtor provided to the servicer of such loan, in good faith, all required information, as defined in subparagraph (G), in order to be considered for a qualified loan modification offer or a qualified loan refinancing offer;

''(iv) is presented to the debtor as a firm written offer in a form that can be accepted by the debtor by signing the offer and returning it to the servicer of such loan;

''(v) is offered with respect to a loan for which no foreclosure sale is scheduled, or shall be scheduled, during the time the request for modification is being considered or is scheduled during the 30-day period beginning on the expiration of the time period specified in clause (iii); and

''(vi) is not revoked by the servicer of such loan for reasons within the control of the debtor before the confirmation of the plan filed under section 1321 or the modification of a plan under section 1323 or 1329.

''(C) For purposes of this paragraph, the term 'qualified loan guidelines' describes a loan modification agreement that—

''(i) in the case of a loan that is insured or guaranteed by the Federal Housing Administration, the Department of Veterans Affairs, or the Department of Agriculture and that is secured by the senior security interest in the principal residence of the debtor, modifies the debtor's monthly housing payment for at least a period of 5 years—

''(I) to 31 percent or less of the debtor's monthly gross income at the time of the modification, without any period of negative amortization; or

''(II) before expiration of the 90-day period beginning on the effective date of this paragraph, to the lowest percentage of the debtor's monthly gross income allowed under the applicable program guidelines in effect before the effective date of this paragraph, without any period of negative amortization, if such lowest percentage is greater than 31 percent of the debtor's monthly gross income at the time of the modification, without any period of negative amortization;

''(ii) in the case of a loan for a debtor who does not qualify for the Homeowner Affordability and Stability Plan, or of a loan for which the servicer is not a participant in such plan and for whom a loan is not insured or guaranteed under programs of the Government entities described in subparagraph (A)(ii)—

''(I) modifies the debtor's monthly housing payment for at least a period of 5 years to 31 percent or less of the debtor's monthly gross income at the time of the modification, without any period of negative amortization; and

''(II) provides that, after the initial period of 5 years, the interest rate on the modified loan may increase by not more than 1 percentage point per year until the interest rate reaches (but does not exceed) the prevailing market interest rate on the date on which the modification is finalized, as published by the Federal Home Loan Mortgage Corporation, at which time such maximum interest rate shall be fixed for the remaining loan term.

''(D) For purposes of this paragraph—

''(i) the term 'debtor's monthly gross income' means the total income amount before any payroll deductions, and includes wages and salaries, overtime pay, commissions, fees, tips, bonuses, housing allowances, other compensation for personal services, Social Security payments, including Social Security received by adults on behalf of minors or by minors intended for their own support, and monthly income from annuities, insurance policies, retirement funds, pensions, disability or death benefits, unemployment benefits, rental income, and other income. For income from the operation of a business, profession, or farm, monthly gross income shall be the sum of the debtor's gross receipts exclusive of ordinary and necessary business expenses; and

''(ii) the term 'debtor's monthly housing payment' includes fixed principal and interest, and payments for real estate taxes, hazard insurance, mortgage insurance premium, homeowners' association dues, ground rent, special assessments, and all other amounts collected by the servicer as part of that payment.

''(E) The term 'Homeowner Affordability and Stability Plan' means the loan modification plan announced and implemented by the Secretary of the Treasury on March 4, 2009, and any successor thereto.

''(F) For purposes of this paragraph, the term 'servicer' means the person responsible for any of master servicing, servicing, or subservicing of a debt secured by the debtor's principal residence (including the person who makes or holds a loan if such person also master services, services, or subservices the loan).

''(G) For purposes of this paragraph, the term 'required information' means all information required to be provided to the servicer under the Homeowner Affordability and Stability Plan, or according to a similar standardized list, as issued by the Secretary of the Treasury or the Secretary of the Department of Housing and Urban Development, to allow the servicer to determine the debtor's eligibility for a qualified loan modification offer or a qualified loan refinancing offer made by the holder of the loan. If the servicer fails to notify the debtor within 30 days of the date of submission of information by the debtor that the information is incomplete and specify what further information must be submitted, it shall be conclusively presumed that the information submitted by the debtor satisfies such requirement. For purposes of this subparagraph, required information provided to the servicer by the debtor shall be deemed accurate and complete as of the time it was delivered to the servicer. Material differences not based on a change in the debtor's circumstances between the required information provided under the Homeowner Affordability and Stability Plan or a similar standardized list, as issued by the Secretary of the Treasury or the Secretary of the Department of Housing and Urban Development, and information provided by the debtor in the schedules required under section 521(a), shall give rise to a rebuttable presumption that the debtor is not eligible for a modification under section 1322(b)(11), if such material differences in the required information render the debtor ineligible for a qualified loan modification offer or a qualified loan refinancing offer. The debtor may rebut the presumption by showing that the debtor offered the required information in good faith.

''(43B) The term 'qualified loan refinancing offer' means a loan offered in accordance with the HOPE for Homeowners program, as authorized by section 257 of the National Housing Act (12 U.S.C. 1715z–23) that—

''(A) refinances a loan secured by the senior security interest in the principal residence of the debtor, and which is eligible to be refinanced under the HOPE for Homeowners program;

''(B) permits the debtor to continue to make payments under the loan, notwithstanding the filing of a case under this title, as if such case had not been filed; and

''(C) with respect to which the debtor has received a written notice that the debtor's application for such loan was approved by a person or entity authorized by the Secretary of the Department of Housing and Urban Development to serve as a mortgagee, and such loan approval was not revoked by such person or entity before the date of the confirmation of the plan filed under section 1321 or the modification of a plan under section 1323 or 1329.''.

SEC. 502. ELIGIBILITY FOR RELIEF.

Section 109 of title 11, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting ''(1)'' after ''(e)''; and

(B) by adding at the end the following:

''(2) For purposes of this subsection, the computation of debts shall not include the secured or unsecured portions of—

''(A) debts secured by the debtor's principal residence, if the value of such residence as of the date of the order for relief under chapter 13 is less than the applicable maximum amount of noncontingent, liquidated, secured debts specified in this subsection; or

''(B) debts secured or formerly secured by what was the debtor's principal residence that was sold in foreclosure or that the debtor surrendered to the creditor, if the value of such real property as of the date of the order for relief under chapter 13 was less than the applicable maximum amount of noncontingent, liquidated, secured debts specified in this subsection.'';

(2) in subsection (h)(1), by striking ''and (3)'' and inserting '', (3), and (5)''; and

(3) in subsection (h), by adding at the end the following:

''(5) With respect to a debtor in a case under chapter 13 who is at least 60 days delinquent with respect to the claim secured by the debtor's principal residence and submits to the court a certification that the debtor has received written notice that the holder of a claim secured by the debtor's principal residence may commence a foreclosure on the debtor's principal residence, the requirements of paragraph (1) shall be considered to be satisfied if the debtor satisfies such requirements not later than the expiration of the 45-day period beginning on the date of the filing of the petition.''.

SEC. 503. AUTHORITY TO MODIFY CERTAIN MORTGAGES.

Section 1322 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraph (11) as paragraph (12);

(B) in paragraph (10), by striking ''and'' at the end; and

(C) by inserting after paragraph (10) the following:

''(11) notwithstanding paragraph (2), modify the rights of the holder of a claim for a loan originated before January 1, 2009, with an unpaid principal balance that is not greater than the maximum loan amount provided for in the guidelines of the Homeowner Affordability and Stability Plan, that is at least 60 days delinquent and secured by a security interest in the debtor's principal residence and, in the case of a claim secured by the senior security interest in such residence that is the subject of a written notice that a foreclosure may be commenced with respect to such loan—

''(A) by providing for payment of the amount of the allowed secured claim, as determined under section 506(a)(1);

''(B) by modifying the terms and conditions of such loan—

''(i) to extend the repayment period for a period that is not longer than the longer of 40 years (reduced by the period for which such loan has been outstanding) or the remaining term of such loan, beginning on the date of the order for relief under this chapter; and

''(ii) to provide for the payment of interest accruing after the date of the order for relief under this chapter at a fixed annual rate equal to the currently applicable average prime offer rate, as of the date of the order for relief under this chapter, corresponding to the repayment term determined under the preceding paragraph, as published by the Federal Financial Institutions Examination Council in its table entitled 'Average Prime Offer Rates—Fixed' (or any successor thereto), rounded to the nearest 0.125 percent, plus a reasonable premium for risk; and

''(C) by providing for payments of such modified loan directly to the holder of the claim or, at the discretion of the court, through the trustee during the term of the plan; and''; and

(2) by adding at the end the following:

''(g) A claim may be reduced under subsection (b)(11)(A) only on the condition that if the debtor sells the principal residence securing such claim during the pendency of the case under this chapter and receives net proceeds from the sale of such residence—

''(1) the debtor agrees to pay to such holder 50 percent of the amount of the difference between the sale price and the amount of such claim, as originally determined under subsection (b)(11) (plus costs of sale and improvements), but not to exceed the unpaid amount of the allowed secured claim determined as if such claim had not been reduced under such subsection;

''(2) the debtor notifies the holder of such claim (or entity collecting payments on behalf of such holder), not later than 30 days before the closing date of such sale, of the details of sale, including the buyer's name and address, the buyer's relationship to the debtor, if any, purchase price, anticipated sale closing date, name and address of the closing agent, and any other relevant information; and

''(3) any amount to be received by the holder is listed in the closing documents.

''(h) With respect to a claim of the kind described in subsection (b)(11) that is secured by the senior security interest in the debtor's principal residence, the plan may not contain a modification under the authority of subsection (b)(11)—

''(1) in a case commenced under this chapter after the expiration of the 45-day period beginning on the effective date of this subsection, unless the debtor certifies that the debtor sought a qualified loan modification offer or a qualified loan refinancing offer, as those terms are defined in paragraphs (43A) and (43B) of section 101, respectively, and submitted the required information, as that term is defined in section 101(43A)(G);

''(2) in any other case under this chapter, unless the debtor certifies that the debtor sought a qualified loan modification offer or qualified loan refinancing offer, as those terms are so defined, at least 45 days before—

''(A) the date of confirmation of a plan under section 1321 that contains a modification under the authority of subsection (b)(11) of this section; or

''(B) the date of modification of a plan under section 1323 or 1329 to contain a modification under the authority of subsection (b)(11) of this section;

''(3) except as provided in subsection (i)(2), if the debtor's monthly housing payment prior to loan modification or refinance is less than 31 percent of the debtor's gross monthly income (as those terms are defined in section 101(43A)(D)); or

''(4) except as provided in subsection (i)(2), if the debtor has received a qualified loan modification offer or a qualified loan refinancing offer, as those terms are so defined.

''(i)(1) If the debtor's income at the time at which a petition is filed under this chapter is equal to or greater than 80 percent of the area median income, as published by the Department of Housing and Urban Development, with respect to a claim of the kind described in subsection (b)(11), and if the debtor has received a qualified loan modification offer or a qualified loan refinancing offer (as those terms are defined in paragraphs (43A) and (43B) of section 101, respectively for purposes of this subsection), such debtor may not modify the rights of the holder of a claim that is secured by the senior security interest in the debtor's principal residence pursuant to subsection (b)(11), regardless of whether the debtor has accepted the offer.

''(2) If the debtor's income at the time at which a petition is filed under this chapter is not equal to or greater than 80 percent of the area median income, as published by the Department of Housing and Urban Development, the debtor shall be subject to all requirements applicable to other debtors under this section with respect to a claim of the kind described in subsection (b)(11), provided that—

''(A) if the debtor is subject to subsection (h)(3) or (h)(4), such debtor may still modify the rights of the holder of a claim secured by the senior security interest in the debtor's principal residence pursuant to subsection (b)(11), other than by reduction in the principal balance, if the payments that would be due under a modification implemented by a plan under this chapter permitting payments over a term of 40 years and an interest rate equal to the currently applicable prime offer rate described in subsection (b)(11)(B)(ii) would be less than the payments due under the qualified loan modification offer or a qualified loan refinancing offer; and

''(B) if the debtor has received an otherwise qualified loan modification offer or a qualified loan refinancing offer that reduces the debtor's monthly housing payment to 25 percent or less of the debtor's monthly gross income (as those terms are defined in section 101(43A)(D)), such debtor may not modify the rights of the holder of a claim secured by the senior security interest in the debtor's principal residence pursuant to subsection (b)(11), regardless of whether or not the debtor has accepted the offer.

''(j) In determining the holder's allowed secured claim under section 506(a)(1) for purposes of subsection (b)(11)(A) of this section, the value of the debtor's principal residence shall be the fair market value of such residence on the date of the determination of the value of the allowed secured claim and, if the issue of value is contested, the court shall determine such value in accordance with the appraisal rules used by the Federal Housing Administration.

''(k) If the rights of a holder of a claim of the kind described in subsection (b)(11) have been modified pursuant to subsection (b)(11), the court may not approve, and the debtor may not borrow, any additional funds during the pendency of the case that are secured by a security interest in the debtor's principal residence that is junior to the lien securing such claim.''.

SEC. 504. COMBATING EXCESSIVE FEES.

Section 1322(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(3) the debtor, the debtor's property, and property of the estate are not liable for a fee, cost, or charge that is incurred while the case under this chapter is pending and arises from a debt that is secured by the debtor's principal residence, except to the extent that—

''(A) the holder of the claim for the debt files with the court and serves on the trustee, the debtor, and the debtor's attorney (annually or, in order to permit filing consistent with clause (ii), more frequently, as the court determines necessary) notice of the fee, cost, or charge before the earlier of—

''(i) 1 year after the date on which the fee, cost, or charge is incurred; or

''(ii) 60 days before the closing of the case under this chapter; and

''(B) the fee, cost, or charge is not unlawful under applicable nonbankruptcy law, and is reasonable and provided for in the applicable security agreement;

''(4) the failure of a party to give notice described in paragraph (3) shall be deemed a waiver of any claim for any fee, cost, or charge described in paragraph (3) for all purposes, and any attempt to collect such a fee,

cost, or charge shall constitute a violation of section 524(a)(2) or, if the violation occurs before the date of discharge, of section 362(a); and

''(5) a plan may provide for the waiver of any prepayment penalty on a claim secured by the debtor's principal residence.''.

SEC. 505. CONFIRMATION OF PLAN.

Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5)—

(A) by inserting ''except as otherwise provided in section 1322(b)(11),'' after ''(5)''; and

(B) in subparagraph (B)(iii)(I), by inserting ''(including payments of a claim modified under section 1322(b)(11))'' after ''payments'' the 1st place that term appears;

(2) in paragraph (8), by striking ''and'' at the end;

(3) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(4) by inserting immediately after paragraph (9) the following:

''(10) notwithstanding paragraph (5)(B)(i)(I), in a case in which the plan modifies a claim in accordance with section 1322(b)(11), the holder of a claim whose rights are modified pursuant to section 1322(b)(11) retains the lien until the full payment of the allowed secured claim of the holder, together with postpetition interest, fees, costs, and charges permitted under section 1322(b)(11) and, if applicable, 1322(c)(3); and

''(11) in a case in which the plan modifies a claim in accordance with section 1322(b)(11), the court—

''(A) finds that the modification is in good faith, which the court may not find if the debtor has no need for relief under section 1322(b)(11) because the debtor can pay all of the debts of the debtor and any payment increases on such debts without difficulty for the foreseeable future, including the positive amortization of mortgage debt; and

''(B) does not find that the debtor has been criminally convicted of actual fraud in obtaining the extension, renewal, or refinancing of credit that gives rise to a modified claim.''.

SEC. 506. DISCHARGE.

Section 1328(a) of title 11, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting ''(other than payments to holders of claims whose rights are modified under section 1322(b)(11))'' after ''paid''; and

(2) in paragraph (1), by inserting ''or, to the extent of the unpaid portion of an allowed secured claim, as provided for under section 1322(b)(11)'' after ''1322(b)(5)''.

SEC. 507. STANDING TRUSTEE FEES.

(a) AMENDMENT TO TITLE 28.—Section 586(e)(1)(B)(i) of title 28, United States Code, is amended—

(1) by inserting ''(I) except as provided in subclause (II),'' after ''(i)'';

(2) by striking ''or'' at the end and inserting ''and''; and

(3) by adding at the end the following:

''(II) 4 percent, with respect to payments received under section 1322(b)(11) of title 11, by the individual as a result of the operation of section 1322(b)(11)(C) of title 11, unless the bankruptcy court waives all fees with respect to such payments, based on a determination that the individual has income equal to less than 150 percent of the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved, and payment of such fees would render the plan of the debtor infeasible; or''.

(b) APPLICABILITY.—The amendments made by this section shall apply to any trustee to whom the provisions of section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) apply.

SEC. 508. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this title shall apply with respect to any case commenced under title 11 of the United States Code before, on, or after the date of enactment of this Act with respect to loans serviced by entities affiliated with entities for which participation in the Homeowner Affordability and Stability Plan announced and implemented by the Secretary of the Treasury on March 4, 2009, (and any successor thereto) is mandatory.

(2) EXCEPTION.—With respect to loans serviced by entities that are unaffiliated with entities for which participation in the Homeowner Affordability and Stability Plan is mandatory, and that have announced and implemented a policy of ceasing all foreclosure activities for 45 days after the date of enactment of this Act, the time period in clause (iii) of section 101(43A)(B) of title 11, United States Code (as added by this title), shall expire on the later of 90 days after the date of enactment of this Act or the date on which it would otherwise expire under that clause.

(3) LIMITATION.—The amendments made by this subtitle shall not apply with respect to any case closed under title 11 of the United States Code as of the date of enactment of this Act that is not pending on appeal in, nor appealable to, any court of the United States.

(b) SUNSET.—The amendments made by sections 501, 503, 505, 506, and 507 shall not apply to any case commenced under title 11 of the United States Code after the later of December 31, 2012 or the expiration of any extension of the Homeowner Affordability and Stability Plan (or any successor thereto).

SEC. 509. GAO STUDY AND REPORT.

(a) STUDY.—The Comptroller General of the United States shall carry out a study of—

(1) the number of debtors who filed, during the 1-year period beginning on the date of enactment of this Act, cases under chapter 13 of title 11, United States Code, for the purpose of restructuring a mortgage loan secured by the principal residence of the debtor;

(2) the number of such mortgages restructured under the amendments made by this subtitle that subsequently resulted in default and foreclosure; and

(3) a comparison between the effectiveness of mortgages restructured under programs outside of bankruptcy law, such as Hope Now, the Homeowner Affordability and Stability Plan (as implemented by the Secretary of the Treasury on March 4, 2009), and the HOPE for Homeowners program, and mortgages restructured under the amendments made by this subtitle.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study required by subsection (a) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SEC. 510. UNENFORCEABILITY OF CERTAIN PROVISION AS BEING CONTRARY TO PUBLIC POLICY.

(a) CONGRESSIONAL FINDINGS.—Congress finds that—

(1) in conjunction with the amendments made by this subtitle, the enforcement of provisions of certain investment contracts in effect on the date of enactment of this Act, which require excess bankruptcy losses that exceed a certain dollar amount on residential mortgages to be borne by classes of certificates on a pro rata basis, would affect the parties to those contracts in ways that could not have occurred under the law in effect at the time at which such contracts were entered into, would interfere with the achievement of the purposes of this subtitle, and would have adverse effects on the national economy, potentially including adverse effects on the security of depositors of banking institutions and policyholders of insurance companies operating in interstate commerce; and

(2) to achieve the purposes of this subtitle to avoid preventable foreclosures, avoid unintended and adverse systemic effects on the national economy, and preserve the existing economic expectations of the parties to investment contracts to the extent reasonably possible, it is necessary that such provisions be unenforceable to the extent that such provisions refer to types of bankruptcy losses that could not have been incurred under the law in effect at the time at which such contracts were entered into.

(b) UNENFORCEABILITY OF PROVISIONS.—

(1) IN GENERAL.—Any bankruptcy loss allocation provision in any mortgage-backed securities contract in effect on the date of enactment of this Act shall be unenforceable as contrary to public policy, to the extent that such bankruptcy loss allocation provision allocates to senior classes of mortgage-backed securities of the issuer bankruptcy losses that could not have been incurred under the law in effect on the date on which such mortgage-backed securities contract was entered into, without the consent of the holder of the related residential mortgage or mortgages.

(2) EFFECT OF UNENFORCEABILITY.—Any bankruptcy losses that would have been allocated under a bankruptcy loss allocation provision that is unenforceable under paragraph (1) shall be allocated as if the bankruptcy losses constituted losses (other than bankruptcy losses) under the applicable mortgage-backed securities contract.

(c) COVERED BANKRUPTCY LOSSES.—For purposes of subsection (b), the term ''bankruptcy losses that could not have been incurred under the law in effect on the date on which such mortgage-backed securities contract was entered into, without the consent of the holder of the related residential mortgage or mortgages'' includes all bankruptcy losses incurred as a result of the application of section 1322(b)(11) of title 11, United States Code, as amended by this title.

(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) BANKRUPTCY LOSS ALLOCATION PROVISION.—The term ''bankruptcy loss allocation provision'' means any provision in a mortgage-backed securities contract that allocates any portion of bankruptcy losses to senior classes of mortgage-backed securities of the issuer before the outstanding principal amount of subordinated classes of the mortgage-backed securities of the issuer has been reduced to zero as a result of the allocation of losses or otherwise.

(2) BANKRUPTCY LOSSES.—The term ''bankruptcy losses'' means any losses relating to residential mortgages held by a securitization vehicle that arise in a proceeding under title 11 of the United States Code.

(3) MORTGAGE-BACKED SECURITIES.—The term ''mortgage-backed securities'' means mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans.

(4) MORTGAGE-BACKED SECURITIES CONTRACT.—The term ''mortgage-backed securities contract'' means a contract or other instrument that governs the terms of mortgage-backed securities.

(5) SECURITIZATION VEHICLE.—The term ''securitization vehicle'' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(B) holds such mortgages.

Subtitle B—Related Mortgage Modification Provisions

SEC. 511. ADJUSTMENTS AS A RESULT OF MODIFICATION IN BANKRUPTCY OF HOUSING LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 3732(a)(2) of title 38, United States Code, is amended—

(1) by inserting ''(A)'' after ''(2)''; and

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

''(B) In the event that a housing loan guaranteed under this chapter is modified under the authority provided under section 1322(b)(11) of title 11, United States Code, the Secretary shall pay the holder of the obligation the unpaid balance of the obligation due as of the date of the filing of the petition under title 11, United States Code, plus accrued interest, but only upon the assignment, transfer, and delivery to the Secretary (in a form and manner satisfactory to the Secretary) of all rights, interest, claims, evidence, and records with respect to the housing loan.''.

(b) MATURITY OF HOUSING LOANS.—Section 3703(d)(1) of title 38, United States Code, is amended by inserting ''at the time of origination'' after ''loan''.

(c) IMPLEMENTATION.—The Secretary of Veterans Affairs may implement the amendments made by this section through notice, procedure notice, or administrative notice.

SEC. 512. PAYMENT OF FHA MORTGAGE INSURANCE BENEFITS.

(a) IN GENERAL.—Section 204(a) of the National Housing Act (12 U.S.C. 1710(a)) is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

''(E) MODIFICATION OF MORTGAGE IN BANKRUPTCY.—

''(i) AUTHORITY.—If an order is entered under the authority provided under section 1322(b)(11) of title 11, United States Code, that (a) determines the amount of an allowed secured claim under a mortgage in accordance with section 506(a)(1) of title 11, United States Code, and the amount of such allowed secured claim is less than the amount due under the mortgage as of the date of the filing of the petition under title 11, United States Code, or (b) reduces the interest to be paid under a mortgage in accordance with section 1325 of such title, the Secretary shall pay insurance benefits for the mortgage in 1 of the following manners:

''(I) FULL PAYMENT AND ASSIGNMENT.—The Secretary may pay the insurance benefits for the mortgage, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage specified in clauses (i) through (iv) of paragraph (1)(A). The insurance benefits shall be paid in the amount equal to the original principal obligation of the mortgage (with such additions and deductions as the Secretary determines are appropriate) which was unpaid upon the date of the filing by the mortgagor of the petition under title 11 of the United States Code. Nothing in this clause may be construed to prevent the Secretary from providing insurance under this title for a mortgage that has previously been assigned to the Secretary under this subclause.

''(II) ASSIGNMENT OF UNSECURED CLAIM.—The Secretary may make a partial payment of the insurance benefits for any unsecured claim under the mortgage, but only upon the assignment to the Secretary of any unsecured claim of the mortgagee against the mortgagor or others arising out of such order. Such assignment shall be deemed valid irrespective of whether such claim has been or will be discharged under title 11 of the United States Code. The insurance benefits shall be paid in the amount specified in subclause (I) of this clause, as such amount is reduced by the amount of the allowed secured claim. Such allowed secured claim shall continue to be insured under section 203.

''(III) INTEREST PAYMENTS.—The Secretary may make periodic payments, or a one-time payment, of insurance benefits for interest payments that are reduced pursuant to such order, as determined by the Secretary, but only upon assignment to the Secretary of all rights and interest related to such payments.

''(ii) DELIVERY OF EVIDENCE OF ENTRY OF ORDER.—Notwithstanding any other provision of this paragraph, no insurance benefits may be paid pursuant to this subparagraph for a mortgage before delivery to the Secretary of evidence of the entry of the order issued pursuant to title 11, United States Code, in a form satisfactory to the Secretary.''; and

(2) in paragraph (5), in the matter preceding subparagraph (A), by inserting after ''section 520, and'' the following: '', except as provided in paragraph (1)(E),''.

(b) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement the amendments made by this section through notice or mortgagee letter.

SEC. 513. ADJUSTMENTS AS RESULT OF MODIFICATION OF RURAL SINGLE FAMILY HOUSING LOANS IN BANKRUPTCY.

(a) GUARANTEED RURAL HOUSING LOANS.—Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (7)—

(A) in subparagraph (A), by inserting before the semicolon at the end the following: '', unless the maturity date of the loan is modified in a bankruptcy proceeding or authorized at the discretion of the Secretary in accordance with paragraph (15)(A)''; and

(B) in subparagraph (B), by inserting before the semicolon the following: '', unless such rate is modified in a bankruptcy proceeding or as provided in paragraph (14) or (15)'';

(2) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

(3) by inserting after paragraph (12) the following new paragraphs:

''(13) PAYMENT OF LOSSES.—To pay for losses incurred by holders or servicers in the event of a modification pursuant to the authority provided under section 1322(b)(11) of title 11, United States Code, that either (1) determines the amount of an allowed secured claim under a mortgage in accordance with section 506(a)(1) of title 11, United States Code, and the amount of such allowed secured claim is less than the amount due under the mortgage as of the date of the filing of the petition under title 11, United States Code, or (2) reduces the interest to be paid under a mortgage in accordance with section 1325 of such title, as follows:

''(A) FULL PAYMENT AND ASSIGNMENT.—The Secretary may pay the guarantee for the mortgage, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage. The guarantee shall be paid in the amount equal to the original principal obligation of the mortgage (with such additions and deductions as the Secretary determines are appropriate) which was unpaid upon the date of the filing by the mortgagor of the petition under title 11 of the United States Code. Nothing in this subparagraph may be construed to prevent the Secretary from providing a guarantee under this subsection for a mortgage that has previously been assigned to the Secretary under this subparagraph.

''(B) ASSIGNMENT OF UNSECURED CLAIM.—The Secretary may make a partial payment of the guarantee for any unsecured claim under the mortgage, but only upon the assignment to the Secretary of any unsecured claim of the mortgagee against the mortgagor or others arising out of such order. Such assignment shall be deemed valid irrespective of whether such claim has been or will be discharged under title 11 of the United States Code. The guarantee shall be paid in the amount specified subparagraph (A), as such amount is reduced by the amount of the allowed secured claim. Such allowed secured claim shall continue to be insured under section 1472 and 1487, without reduction for any amounts modified.

''(C) INTEREST PAYMENTS.—The Secretary may make periodic payments, or a one-time payment, of guarantees for interest payments that are reduced pursuant to such order, as determined by the Secretary, but only upon assignment to the Secretary of all rights and interest related to such payments.

''(D) DELIVERY OF EVIDENCE OF ENTRY OF ORDER.—Notwithstanding any other provision of this section, no guarantees may be paid pursuant to this paragraph for a mortgage before delivery to the Secretary of evidence of the entry of the order issued pursuant to title 11, United States Code, in a form satisfactory to the Secretary.''.

(b) INSURED RURAL HOUSING LOANS.—Section 517(j) of the Housing Act of 1949 (42 U.S.C. 1487(j)) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) to pay for losses incurred by holders or servicers in the event of a modification pursuant to a bankruptcy proceeding;''.

(c) TECHNICAL AMENDMENTS.—Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (5)(A), by striking ''(as defined in paragraph (13)'' and inserting ''(as defined in paragraph (14)''; and

(2) in paragraph (18)(E) (as so redesignated by subsection (a)(2)), by—

(A) striking ''paragraphs (3), (6), (7)(A), (8), and (10)'' and inserting ''paragraphs (3), (6), (7)(A), (8), (10), and (13)''; and

(B) striking ''paragraphs (2) through (13)'' and inserting ''paragraphs (2) through (15)''.

(d) PROCEDURE.—

(1) IN GENERAL.—The promulgation of regulations necessitated and the administration actions required by the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(2) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, and the amendments made by this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SA 1015. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 103. PROHIBITION ON YIELD SPREAD PREMIUMS.

(a) IN GENERAL.—No person shall provide, and no mortgage originator shall receive, directly or indirectly, any compensation that is based on, or varies with, the terms of any home mortgage loan (other than the amount of the loan).

(b) DEFINITIONS.—For purposes of this section—

(1) the term ''home mortgage loan'' means a loan secured by a mortgage or lien on residential property;

(2) the term ''mortgage originator'' means any creditor or other person, including a mortgage broker or bank lender, who, for compensation or in anticipation of compensation, engages either directly or indirectly in the—

(A) acceptance of applications for home mortgage loans;

(B) solicitation of home mortgage loans on behalf of borrowers;

(C) negotiation of terms or conditions of home mortgage loans on behalf of borrowers or lenders; or

(D) negotiation of sales of existing home mortgage loans to institutional or non-institutional lenders; and

(3) the term ''residential property'' means a 1–4 family, owner-occupied residence, including a 1-family unit in a condominium project, a membership interest and occupancy agreement in a cooperative housing project, and a manufactured home and the lot on which the home is situated.

SEC. 104. PROHIBITION ON PREPAYMENT PENALTIES.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 129A the following new section:

''SEC. 129B. PROHIBITION ON PREPAYMENT PENALTIES.

''No prepayment fees or penalties shall be charged or collected under the terms of any consumer credit transaction secured by an owner-occupied principal dwelling of the consumer. Any prepayment penalty in violation of this section shall be unenforceable.''.

SA 1016. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; as follows:

At the appropriate place, insert the following:

SEC. ___. REPAYMENT OF TARP FUNDS.

Section 111(g) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(g)) is amended—

(1) by striking ''Subject to'' and inserting the following:

''(1) REPAYMENT PERMITTED.—Subject to'';

(2) by inserting ''if, subsequent to such repayment, the TARP recipient is well capitalized (as determined by the appropriate Federal banking agency having supervisory authority over the TARP recipient)'' after ''waiting period,'';

(3) by striking '', and when such assistance is repaid, the Secretary shall liquidate warrants associated with such assistance at the current market price''; and

(4) by adding at the end the following:

''(2) NO REPAYMENT PRECONDITION FOR WARRANTS.—A TARP recipient that exercises the repayment authority under paragraph (1) shall not be required to repurchase warrants from the Federal Government as a condition of repayment of assistance provided under the TARP. The Secretary shall, at the request of the relevant TARP recipient, repay the proceeds of warrants repurchased before the date of enactment of this paragraph.''.

SA 1017. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; as follows:

At the appropriate place, insert the following:

SEC. ___. DUTIES OF THE FHA.

(a) DUTY TO MAINTAIN SOLVENCY.—Notwithstanding any other provision of law or of this Act, the primary and foundational responsibility of the Federal Housing Administration shall be to safeguard and preserve the solvency of the Administration.

(b) SUSPENSION OF ACTIVITIES.—If in the determination of the Commissioner of the Federal Housing Administration, any existing Federal requirement, program, or law, or any amendment to such requirement, program, or law made by this Act, threatens the solvency of the Administration or makes the Administration reasonably likely to need a credit subsidy from Congress, the Commissioner shall—

(1) temporary suspend any such requirement, program, or law; and

(2) recommend legislation to the appropriate congressional committees to address such solvency issues.

SA 1018. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Helping Families Save Their Homes Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is the following:

Sec. 1. Short title; table of contents.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

Sec. 101. Guaranteed rural housing loans.
Sec. 102. Modification of housing loans guaranteed by the Department of Veterans Affairs.
Sec. 103. Additional funding for HUD programs to assist individuals to better withstand the current mortgage crisis.
Sec. 104. Mortgage modification data collecting and reporting.

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

Sec. 201. Servicer safe harbor for mortgage loan modifications.
Sec. 202. Changes to HOPE for Homeowners Program.
Sec. 203. Requirements for FHA-approved mortgagees.
Sec. 204. Enhancement of liquidity and stability of insured depository institutions to ensure availability of credit and reduction of foreclosures.
Sec. 205. Application of GSE conforming loan limit to mortgages assisted with TARP funds.
Sec. 206. Mortgages on certain homes on leased land.
Sec. 207. Sense of Congress regarding mortgage revenue bond purchases.

TITLE III—MORTGAGE FRAUD TASK FORCE

Sec. 301. Sense of the Congress on establishment of a Nationwide Mortgage Fraud Task Force.

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

Sec. 401. Sense of the Congress on foreclosures.

TITLE I—PREVENTION OF MORTGAGE FORECLOSURES

SEC. 101. GUARANTEED RURAL HOUSING LOANS.

(a) GUARANTEED RURAL HOUSING LOANS.—Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (16) and (17), respectively; and

(2) by inserting after paragraph (12) the following new paragraphs:

''(13) LOSS MITIGATION.—Upon default or imminent default of any mortgage guaranteed under this subsection, mortgagees shall engage in loss mitigation actions for the purpose of providing an alternative to foreclosure (including actions such as special forbearance, loan modification, pre-foreclosure sale, deed in lieu of foreclosure, as required, support for borrower housing counseling, subordinate lien resolution, and borrower relocation), as provided for by the Secretary.

''(14) PAYMENT OF PARTIAL CLAIMS AND MORTGAGE MODIFICATIONS.—The Secretary may authorize the modification of mortgages, and establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence, for mortgages that are in default or face imminent default, as defined by the Secretary. Any payment under such program directed to the mortgagee shall be made at the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

''(A) the amount of the partial claim payment shall be in an amount determined by the Secretary, and shall not exceed an amount equivalent to 30 percent of the unpaid principal balance of the mortgage and any costs that are approved by the Secretary;

''(B) the amount of the partial claim payment shall be applied first to any outstanding indebtedness on the mortgage, including any arrearage, but may also include principal reduction;

''(C) the mortgagor shall agree to repay the amount of the partial claim to the Secretary upon terms and conditions acceptable to the Secretary;

''(D) expenses related to a partial claim or modification are not to be charged to the borrower;

''(E) the Secretary may authorize compensation to the mortgagee for lost income on monthly mortgage payments due to interest rate reduction;

''(F) the Secretary may reimburse the mortgagee from the appropriate guaranty fund in connection with any activities that the mortgagee is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary;

''(G) the Secretary may authorize payments to the mortgagee on behalf of the borrower, under such terms and conditions as are defined by the Secretary, based on successful performance under the terms of the mortgage modification, which shall be used to reduce the principal obligation under the modified mortgage; and

''(H) the Secretary may authorize the modification of mortgages with terms extended up to 40 years from the date of modification.

''(15) ASSIGNMENT.—

''(A) PROGRAM AUTHORITY.—The Secretary may establish a program for assignment to the Secretary, upon request of the mortgagee, of a mortgage on a 1- to 4-family residence guaranteed under this chapter.

''(B) PROGRAM REQUIREMENTS.—

''(i) IN GENERAL.—The Secretary may encourage loan modifications for eligible delinquent mortgages or mortgages facing imminent default, as defined by the Secretary, through the payment of the guaranty and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved under this section.

''(ii) ACCEPTANCE OF ASSIGNMENT.—The Secretary may accept assignment of a mortgage under a program under this subsection only if—

''(I) the mortgage is in default or facing imminent default;

''(II) the mortgagee has modified the mortgage or qualified the mortgage for modification sufficient to cure the default and provide for mortgage payments the mortgagor is reasonably able to pay, at interest rates not exceeding current market interest rates; and

''(III) the Secretary arranges for servicing of the assigned mortgage by a mortgagee (which may include the assigning mortgagee) through procedures that the Secretary has determined to be in the best interests of the appropriate guaranty fund.

''(C) PAYMENT OF GUARANTY.—Under the program under this paragraph, the Secretary may pay the guaranty for a mortgage, in the amount determined in accordance with paragraph (2), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage, as defined by the Secretary.

''(D) DISPOSITION.—After modification of a mortgage pursuant to this paragraph, and assignment of the mortgage, the Secretary may provide guarantees under this subsection for the mortgage. The Secretary may subsequently—

''(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

''(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

''(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

''(E) LOAN SERVICING.—In carrying out the program under this subsection, the Secretary may require the existing servicer of a mortgage assigned to the Secretary under the program to continue servicing the mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage. If the mortgage is resold pursuant to subparagraph (D)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.''.

(b) TECHNICAL AMENDMENTS.—Subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended—

(1) in paragraph (5)(A), by striking ''(as defined in paragraph (13)'' and inserting ''(as defined in paragraph (17)''; and

(2) in paragraph (18)(E)(as so redesignated by subsection (a)(2)), by—

(A) striking ''paragraphs (3), (6), (7)(A), (8), and (10)'' and inserting ''paragraphs (3), (6), (7)(A), (8), (10), (13), and (14)''; and

(B) striking ''paragraphs (2) through (13)'' and inserting ''paragraphs (2) through (15)''.

(c) PROCEDURE.—

(1) IN GENERAL.—The promulgation of regulations necessitated and the administration actions required by the amendments made by this section shall be made without regard to—

(A) the notice and comment provisions of section 553 of title 5, United States Code;

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) chapter 35 of title 44, United States Code (commonly known as the ''Paperwork Reduction Act'').

(2) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, and the amendments made by this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 102. MODIFICATION OF HOUSING LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) MATURITY OF HOUSING LOANS.—Section 3703(d)(1) of title 38, United States Code, is amended by inserting ''at the time of origination'' after ''loan''.

(b) IMPLEMENTATION.—The Secretary of Veterans Affairs may implement the amendments made by this section through notice, procedure notice, or administrative notice.

SEC. 103. ADDITIONAL FUNDING FOR HUD PROGRAMS TO ASSIST INDIVIDUALS TO BETTER WITHSTAND THE CURRENT MORTGAGE CRISIS.

(a) ADDITIONAL APPROPRIATIONS FOR ADVERTISING TO INCREASE PUBLIC AWARENESS OF MORTGAGE SCAMS AND COUNSELING ASSISTANCE.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, $10,000,000 for each of the fiscal years 2010 and 2011 for purposes of providing additional resources to be used for advertising to raise awareness of mortgage fraud and to support HUD programs and approved counseling agencies, provided that such amounts are used to advertise in the 100 metropolitan statistical areas with the highest rate of home foreclosures, and provided, further that up to $5,000,000 of such amounts are used for advertisements designed to reach and inform broad segments of the community.

(b) ADDITIONAL APPROPRIATIONS FOR THE HOUSING COUNSELING ASSISTANCE PROGRAM.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, $50,000,000 for each of the fiscal years 2010 and 2011 to carry out the Housing Counseling Assistance Program established within the Department of Housing and Urban Development, provided that such amounts are used to fund HUD-certified housing-counseling agencies located in the 100 metropolitan statistical areas with the highest rate of home foreclosures for the purpose of assisting homeowners with inquiries regarding mortgage-modification assistance and mortgage scams.

(c) ADDITIONAL APPROPRIATIONS FOR PERSONNEL AT THE OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY.—In addition to any amounts that may be appropriated for each of the fiscal years 2010 and 2011 for such purpose, there is authorized to be appropriated to the Secretary of Housing and Urban Development, to remain available until expended, $5,000,000 for each of the fiscal years 2010 and 2011 for purposes of hiring additional personnel at the Office of Fair Housing and Equal Opportunity within the Department of Housing and Urban Development, provided that such amounts are used to hire personnel at the local branches of such Office located in the 100 metropolitan statistical areas with the highest rate of home foreclosures.

SEC. 104. MORTGAGE MODIFICATION DATA COLLECTING AND REPORTING.

(a) REPORTING REQUIREMENTS.—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall jointly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives on the volume of mortgage modifications reported to the Office of the Comptroller of the Currency and the Office of Thrift Supervision, under the mortgage metrics program of each such Office, during the previous quarter, including the following:

(1) A copy of the data collection instrument currently used by the Office of the Comptroller of the Currency and the Office of Thrift Supervision to collect data on loan modifications.

(2) The total number of mortgage modifications resulting in each of the following:

(A) Additions of delinquent payments and fees to loan balances.

(B) Interest rate reductions and freezes.

(C) Term extensions.

(D) Reductions of principal.

(E) Deferrals of principal.

(F) Combinations of modifications described in subparagraph (A), (B), (C), (D), or (E).

(3) The total number of mortgage modifications in which the total monthly principal and interest payment resulted in the following:

(A) An increase.

(B) Remained the same.

(C) Decreased less than 10 percent.

(D) Decreased between 10 percent and 20 percent.

(E) Decreased 20 percent or more.

(4) The total number of loans that have been modified and then entered into default, where the loan modification resulted in—

(A) higher monthly payments by the homeowner;

(B) equivalent monthly payments by the homeowner;

(C) lower monthly payments by the homeowner of up to 10 percent;

(D) lower monthly payments by the homeowner of between 10 percent to 20 percent; or

(E) lower monthly payments by the homeowner of more than 20 percent.

(b) DATA COLLECTION.—

(1) REQUIRED.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller of the Currency and the Director of the Office of Thrift Supervision,

shall issue mortgage modification data collection and reporting requirements to institutions covered under the reporting requirement of the mortgage metrics program of the Comptroller or the Director.

(B) INCLUSIVENESS OF COLLECTIONS.—The requirements under subparagraph (A) shall provide for the collection of all mortgage modification data needed by the Comptroller of the Currency and the Director of the Office of Thrift Supervision to fulfill the reporting requirements under subsection (a).

(2) REPORT.—The Comptroller of the Currency shall report all requirements established under paragraph (1) to each committee receiving the report required under subsection (a).

TITLE II—FORECLOSURE MITIGATION AND CREDIT AVAILABILITY

SEC. 201. SERVICER SAFE HARBOR FOR MORTGAGE LOAN MODIFICATIONS.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) Increasing numbers of mortgage foreclosures are not only depriving many Americans of their homes, but are also destabilizing property values and negatively affecting State and local economies as well as the national economy.

(2) In order to reduce the number of foreclosures and to stabilize property values, local economies, and the national economy, servicers must be given—

(A) authorization to—

(i) modify mortgage loans and engage in other loss mitigation activities consistent with applicable guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008; and

(ii) refinance mortgage loans under the Hope for Homeowners program; and

(B) a safe harbor to enable such servicers to exercise these authorities.

(b) SAFE HARBOR.—Section 129A of the Truth in Lending Act (15 U.S.C. 1639a) is amended to read as follows:

"SEC. 129. DUTY OF SERVICERS OF RESIDENTIAL MORTGAGES.

''(a) IN GENERAL.—Notwithstanding any other provision of law, whenever a servicer of residential mortgages agrees to enter into a qualified loss mitigation plan with respect to 1 or more residential mortgages originated before the date of enactment of the Helping Families Save Their Homes Act of 2009, including mortgages held in a securitization or other investment vehicle—

''(1) to the extent that the servicer owes a duty to investors or other parties to maximize the net present value of such mortgages, the duty shall be construed to apply to all such investors and parties, and not to any individual party or group of parties; and

''(2) the servicer shall be deemed to have satisfied the duty set forth in paragraph (1) if, before December 31, 2012, the servicer implements a qualified loss mitigation plan that meets the following criteria:

''(A) Default on the payment of such mortgage has occurred, is imminent, or is reasonably foreseeable, as such terms are defined by guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008.

''(B) The mortgagor occupies the property securing the mortgage as his or her principal residence.

''(C) The servicer reasonably determined, consistent with the guidelines issued by the Secretary of the Treasury or his designee, that the application of such qualified loss mitigation plan to a mortgage or class of mortgages will likely provide an anticipated recovery on the outstanding principal mortgage debt that will exceed the anticipated recovery through foreclosures.

''(b) NO LIABILITY.—A servicer that is deemed to be acting in the best interests of all investors or other parties under this section shall not be liable to any party who is owed a duty under subsection (a)(1), and shall not be subject to any injunction, stay, or other equitable relief to such party, based solely upon the implementation by the servicer of a qualified loss mitigation plan.

''(c) STANDARD INDUSTRY PRACTICE.—The qualified loss mitigation plan guidelines issued by the Secretary of the Treasury under the Emergency Economic Stabilization Act of 2008 shall constitute standard industry practice for purposes of all Federal and State laws.

''(d) SCOPE OF SAFE HARBOR.—Any person, including a trustee, issuer, and loan originator, shall not be liable for monetary damages or be subject to an injunction, stay, or other equitable relief, based solely upon the cooperation of such person with a servicer when such cooperation is necessary for the servicer to implement a qualified loss mitigation plan that meets the requirements of subsection (a).

''(e) REPORTING.—Each servicer that engages in qualified loss mitigation plans under this section shall regularly report to the Secretary of the Treasury the extent, scope, and results of the servicer's modification activities. The Secretary of the Treasury shall prescribe regulations or guidance specifying the form, content, and timing of such reports.

''(f) DEFINITIONS.—As used in this section—

''(1) the term 'qualified loss mitigation plan' means—

''(A) a residential loan modification, workout, or other loss mitigation plan, including to the extent that the Secretary of the Treasury determines appropriate, a loan sale, real property disposition, trial modification, pre-foreclosure sale, and deed in lieu of foreclosure, that is described or authorized in guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008; and

''(B) a refinancing of a mortgage under the Hope for Homeowners program;

''(2) the term 'servicer' means the person responsible for the servicing for others of residential mortgage loans(including of a pool of residential mortgage loans); and

''(3) the term 'securitization vehicle' means a trust, special purpose entity, or other legal structure that is used to facilitate the issuing of securities, participation certificates, or similar instruments backed by or referring to a pool of assets that includes residential mortgages (or instruments that are related to residential mortgages such as credit-linked notes).''.

SEC. 202. CHANGES TO HOPE FOR HOMEOWNERS PROGRAM.

(a) PROGRAM CHANGES.—Section 257 of the National Housing Act (12 U.S.C. 1715z–23) is amended—

(1) in subsection (c)—

(A) in the heading for paragraph (1), by striking ''THE BOARD'' and inserting ''SECRETARY'';

(B) in paragraph (1), by striking ''Board'' inserting ''Secretary, after consultation with the Board,'';

(C) in paragraph (1)(A), by inserting ''consistent with section 203(b) to the maximum extent possible'' before the semicolon; and

(D) by adding after paragraph (2) the following:

''(3) DUTIES OF BOARD.—The Board shall advise the Secretary regarding the establishment and implementation of the HOPE for Homeowners Program.'';

(2) by striking ''Board'' each place such term appears in subsections (e), (h)(1), (h)(3), (j), (l), (n), (s)(3), and (v) and inserting ''Secretary'';

(3) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

''(1) BORROWER CERTIFICATION.—

''(A) NO INTENTIONAL DEFAULT OR FALSE INFORMATION.—The mortgagor shall provide a certification to the Secretary that the mortgagor has not intentionally defaulted on the existing mortgage or mortgages or any other substantial debt within the last 5 years and has not knowingly, or willfully and with actual knowledge, furnished material information known to be false for the purpose of obtaining the eligible mortgage to be insured and has not been convicted under Federal or State law for fraud during the 10-year period ending upon the insurance of the mortgage under this section.

''(B) LIABILITY FOR REPAYMENT.—The mortgagor shall agree in writing that the mortgagor shall be liable to repay to the Secretary any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made by the mortgagor in the certifications and documentation required under this paragraph, subject to the discretion of the Secretary.

''(C) CURRENT BORROWER DEBT-TO-INCOME RATIO.—As of the date of application for a commitment to insure or insurance under this section, the mortgagor shall have had, or thereafter is likely to have, due to the terms of the mortgage being reset, a ratio of mortgage debt to income, taking into consideration all existing mortgages of that mortgagor at such time, greater than 31 percent (or such higher amount as the Secretary determines appropriate).'';

(B) in paragraph (4)—

(i) in subparagraph (A), by striking '', subject to standards established by the Board under subparagraph (B),''; and

(ii) in subparagraph (B)(i), by striking ''shall'' and inserting ''may''; and

(C) in paragraph (7), by striking ''; and provided that'' and all that follows through ''new second lien'';

(D) in paragraph (9)—

(i) by striking ''by procuring (A) an income tax return transcript of the income tax return of the mortgagor, or (B)'' and inserting ''in accordance with procedures and standards that the Secretary shall establish (provided that such procedures and standards are consistent with section 203(b) to the maximum extent possible) which may include requiring the mortgagee to procure''; and

(ii) by striking ''and by any other method, in accordance with procedures and standards that the Board shall establish'';

(E) in paragraph (10)—

(i) by striking ''The mortgagor shall not'' and inserting the following:

''(A) PROHIBITION.—The mortgagor shall not''; and

(ii) by adding at the end the following:

''(B) DUTY OF MORTGAGEE.—The duty of the mortgagee to ensure that the mortgagor is in compliance with the prohibition under subparagraph (A) shall be satisfied if the mortgagee makes a good faith effort to determine that the mortgagor has not been convicted under Federal or State law for fraud during the period described in subparagraph (A).'';

(F) in paragraph (11), by inserting before the period at the end the following: '', except that the Secretary may provide exceptions to such latter requirement (relating to present ownership interest) for any mortgagor who has inherited a property''; and

(G) by adding at the end:

''(12) BAN ON MILLIONAIRES.—The mortgagor shall not have a net worth, as of the

date the mortgagor first applies for a mortgage to be insured under the Program under this section, that exceeds $1,000,000.'';

(4) in subsection (h)(2), by striking ''The Board shall prohibit the Secretary from paying'' and inserting ''The Secretary shall not pay''; and

(5) in subsection (i)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and adjusting the margins accordingly;

(B) in the matter preceding subparagraph (A), as redesignated by this paragraph, by striking ''For each'' and inserting the following:

''(1) PREMIUMS.—For each'';

(C) in subparagraph (A), as redesignated by this paragraph, by striking ''equal to 3 percent'' and inserting ''not more than 3 percent''; and

(D) in subparagraph (B), as redesignated by this paragraph, by striking ''equal to 1.5 percent'' and inserting ''not more than 1.5 percent'';

(E) by adding at the end the following:

''(2) CONSIDERATIONS.—In setting the premium under this subsection, the Secretary shall consider—

''(A) the financial integrity of the HOPE for Homeowners Program; and

''(B) the purposes of the HOPE for Homeowners Program described in subsection (b).'';

(6) in subsection (k)—

(A) by striking the subsection heading and inserting ''EXIT FEE'';

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking ''such sale or refinancing'' and inserting ''the mortgage being insured under this section''; and

(C) in paragraph (2), by striking ''and the mortgagor'' and all that follows through the end and inserting ''may, upon any sale or disposition of the property to which the mortgage relates, be entitled to up to 50 percent of appreciation, up to the appraised value of the home at the time when the mortgage being refinanced under this section was originally made. The Secretary may share any amounts received under this paragraph with the holder of the existing senior mortgage on the eligible mortgage, the holder of any existing subordinate mortgage on the eligible mortgage, or both.'';

(7) in the heading for subsection (n), by striking ''THE BOARD'' and inserting ''SECRETARY'';

(8) in subsection (p), by striking ''Under the direction of the Board, the'' and inserting ''The'';

(9) in subsection (s)—

(A) in the first sentence of paragraph (2), by striking ''Board of Directors of'' and inserting ''Advisory Board for''; and

(B) in paragraph (3)(A)(ii), by striking ''subsection (e)(1)(B) and such other'' and inserting ''such'';

(10) in subsection (v), by inserting after the period at the end the following: ''The Secretary shall conform documents, forms, and procedures for mortgages insured under this section to those in place for mortgages insured under section 203(b) to the maximum extent possible consistent with the requirements of this section.''; and

(11) by adding at the end the following new subsections:

''(x) PAYMENTS TO SERVICERS AND ORIGINATORS.—The Secretary may establish a payment to the—

''(1) servicer of the existing senior mortgage for every loan insured under the HOPE for Homeowners Program; and

''(2) originator of each new loan insured under the HOPE for Homeowners Program.

''(y) AUCTIONS.—The Secretary, with the concurrence of the Board, shall, if feasible, establish a structure and organize procedures for an auction to refinance eligible mortgages on a wholesale or bulk basis.''.

(b) REDUCING TARP FUNDS TO OFFSET COSTS OF PROGRAM CHANGES.—Paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by inserting '', as such amount is reduced by $2,316,000,000,'' after ''$700,000,000,000''.

(c) TECHNICAL CORRECTION.—The second section 257 of the National Housing Act (Public Law 110-289; 122 Stat. 2839; 12 U.S.C. 1715z–24) is amended by striking the section heading and inserting the following:

''SEC. 258. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.''.

SEC. 203. REQUIREMENTS FOR FHA-APPROVED MORTGAGEES.

(a) MORTGAGEE REVIEW BOARD.—

(1) IN GENERAL.—Section 202(c)(2) of the National Housing Act (12 U.S.C. 1708(c)) is amended—

(A) in subparagraph (E), by inserting ''and'' after the semicolon;

(B) in subparagraph (F), by striking ''; and'' and inserting ''or their designees.''; and

(C) by striking subparagraph (G).

(2) PROHIBITION AGAINST LIMITATIONS ON MORTGAGEE REVIEW BOARD'S POWER TO TAKE ACTION AGAINST MORTGAGEES.—Section 202(c) of the National Housing Act (12 U.S.C. 1708(c)) is amended by adding at the end the following new paragraph:

''(9) PROHIBITION AGAINST LIMITATIONS ON MORTGAGEE REVIEW BOARD'S POWER TO TAKE ACTION AGAINST MORTGAGEES.—No State or local law, and no Federal law (except a Federal law enacted expressly in limitation of this subsection after the effective date of this sentence), shall preclude or limit the exercise by the Board of its power to take any action authorized under paragraphs (3) and (6) of this subsection against any mortgagee.''.

(b) LIMITATIONS ON PARTICIPATION AND MORTGAGEE APPROVAL AND USE OF NAME.—Section 202 of the National Housing Act (12 U.S.C. 1708) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(2) by inserting after subsection (c) the following new subsection:

''(d) LIMITATIONS ON PARTICIPATION IN ORIGINATION AND MORTGAGEE APPROVAL.—

''(1) REQUIREMENT.—Any person or entity that is not approved by the Secretary to serve as a mortgagee, as such term is defined in subsection (c)(7), shall not participate in the origination of an FHA-insured loan except as authorized by the Secretary.

''(2) ELIGIBILITY FOR APPROVAL.—In order to be eligible for approval by the Secretary, an applicant mortgagee shall not be, and shall not have any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the applicant mortgagee who is—

''(A) currently suspended, debarred, under a limited denial of participation (LDP), or otherwise restricted under part 25 of title 24 of the Code of Federal Regulations, 2 Code of Federal Regulations, part 180 as implemented by part 2424, or any successor regulations to such parts, or under similar provisions of any other Federal agency;

''(B) under indictment for, or has been convicted of, an offense that reflects adversely upon the applicant's integrity, competence or fitness to meet the responsibilities of an approved mortgagee;

''(C) subject to unresolved findings contained in a Department of Housing and Urban Development or other governmental audit, investigation, or review;

''(D) engaged in business practices that do not conform to generally accepted practices of prudent mortgagees or that demonstrate irresponsibility;

''(E) convicted of, or who has pled guilty or nolo contendre to, a felony related to participation in the real estate or mortgage loan industry—

''(i) during the 7-year period preceding the date of the application for licensing and registration; or

''(ii) at any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering;

''(F) in violation of provisions of the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any applicable provision of State law; or

''(G) in violation of any other requirement as established by the Secretary.

''(3) RULEMAKING AND IMPLEMENTATION.—The Secretary shall conduct a rulemaking to carry out this subsection. The Secretary shall implement this subsection not later than the expiration of the 60-day period beginning upon the date of the enactment of this subsection by notice, mortgagee letter, or interim final regulations, which shall take effect upon issuance.''; and

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

''(h) USE OF NAME.—The Secretary shall, by regulation, require each mortgagee approved by the Secretary for participation in the FHA mortgage insurance programs of the Secretary—

''(1) to use the business name of the mortgagee that is registered with the Secretary in connection with such approval in all advertisements and promotional materials, as such terms are defined by the Secretary, relating to the business of such mortgagee in such mortgage insurance programs; and

''(2) to maintain copies of all such advertisements and promotional materials, in such form and for such period as the Secretary requires.''.

(c) PAYMENT FOR LOSS MITIGATION.—Section 204(a)(2) of the National Housing Act (12 U.S.C. 1710(a)(2)) is amended—

(1) by inserting ''or faces imminent default, as defined by the Secretary'' after ''default'';

(2) by inserting ''support for borrower housing counseling, partial claims, borrower incentives, preforeclosure sale,'' after ''loan modification,''; and

(3) by striking ''204(a)(1)(A)'' and inserting ''subsection (a)(1)(A) or section 203(c)''.

(d) PAYMENT OF FHA MORTGAGE INSURANCE BENEFITS.—

(1) ADDITIONAL LOSS MITIGATION ACTIONS.—Section 230(a) of the National Housing Act (12 U.S.C. 1715u(a)) is amended—

(A) by inserting ''or imminent default, as defined by the Secretary'' after ''default'';

(B) by striking ''loss'' and inserting ''loan'';

(C) by inserting ''preforeclosure sale, support for borrower housing counseling, subordinate lien resolution, borrower incentives,'' after ''loan modification,'';

(D) by inserting ''as required,'' after ''deeds in lieu of foreclosure,''; and

(E) by inserting ''or section 230(c),'' before ''as provided''.

(2) AMENDMENT TO PARTIAL CLAIM AUTHORITY.—Section 230(b) of the National Housing Act (12 U.S.C. 1715u(b)) is amended to read as follows:

''(b) PAYMENT OF PARTIAL CLAIM.—

''(1) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program for payment of a partial claim to a mortgagee that agrees to apply the claim amount to payment of a mortgage on a 1- to 4-family residence that is in default or faces imminent default, as defined by the Secretary.

''(2) PAYMENTS AND EXCEPTIONS.—Any payment of a partial claim under the program established in paragraph (1) to a mortgagee shall be made in the sole discretion of the Secretary and on terms and conditions acceptable to the Secretary, except that—

''(A) the amount of the payment shall be in an amount determined by the Secretary, not to exceed an amount equivalent to 30 percent of the unpaid principal balance of the mortgage and any costs that are approved by the Secretary;

''(B) the amount of the partial claim payment shall first be applied to any arrearage on the mortgage, and may also be applied to achieve principal reduction;

''(C) the mortgagor shall agree to repay the amount of the insurance claim to the Secretary upon terms and conditions acceptable to the Secretary;

''(D) the Secretary may permit compensation to the mortgagee for lost income on monthly payments, due to a reduction in the interest rate charged on the mortgage;

''(E) expenses related to the partial claim or modification may not be charged to the borrower;

''(F) loans may be modified to extend the term of the mortgage to a maximum of 40 years from the date of the modification; and

''(G) the Secretary may permit incentive payments to the mortgagee, on the borrower's behalf, based on successful performance of a modified mortgage, which shall be used to reduce the amount of principal indebtedness.

''(3) PAYMENTS IN CONNECTION WITH CERTAIN ACTIVITIES.—The Secretary may pay the mortgagee, from the appropriate insurance fund, in connection with any activities that the mortgagee is required to undertake concerning repayment by the mortgagor of the amount owed to the Secretary.''.

(3) ASSIGNMENT.—Section 230(c) of the National Housing Act (12 U.S.C. 1715u(c)) is amended—

(A) by inserting ''(1)'' after ''(c)'';

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(C) in paragraph (1)(B) (as so redesignated)—

(i) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(ii) in the matter preceding clause (i) (as so redesignated), by striking ''under a program under this subsection'' and inserting ''under this paragraph''; and

(iii) in clause (i) (as so redesignated), by inserting ''or facing imminent default, as defined by the Secretary'' after ''default'';

(D) in paragraph (1)(C) (as so redesignated), by striking ''under a program under this subsection'' and inserting ''under this paragraph''; and

(E) by adding at the end the following:

''(2) ASSIGNMENT AND LOAN MODIFICATION.—

''(A) AUTHORITY.—The Secretary may encourage loan modifications for eligible delinquent mortgages or mortgages facing imminent default, as defined by the Secretary, through the payment of insurance benefits and assignment of the mortgage to the Secretary and the subsequent modification of the terms of the mortgage according to a loan modification approved by the mortgagee.

''(B) PAYMENT OF BENEFITS AND ASSIGNMENT.—In carrying out this paragraph, the Secretary may pay insurance benefits for a mortgage, in the amount determined in accordance with section 204(a)(5), without reduction for any amounts modified, but only upon the assignment, transfer, and delivery to the Secretary of all rights, interest, claims, evidence, and records with respect to the mortgage specified in clauses (i) through (iv) of section 204(a)(1)(A).

''(C) DISPOSITION.—After modification of a mortgage pursuant to this paragraph, the Secretary may provide insurance under this title for the mortgage. The Secretary may subsequently—

''(i) re-assign the mortgage to the mortgagee under terms and conditions as are agreed to by the mortgagee and the Secretary;

''(ii) act as a Government National Mortgage Association issuer, or contract with an entity for such purpose, in order to pool the mortgage into a Government National Mortgage Association security; or

''(iii) re-sell the mortgage in accordance with any program that has been established for purchase by the Federal Government of mortgages insured under this title, and the Secretary may coordinate standards for interest rate reductions available for loan modification with interest rates established for such purchase.

''(D) LOAN SERVICING.—In carrying out this paragraph, the Secretary may require the existing servicer of a mortgage assigned to the Secretary to continue servicing the mortgage as an agent of the Secretary during the period that the Secretary acquires and holds the mortgage for the purpose of modifying the terms of the mortgage, provided that the Secretary compensates the existing servicer appropriately, as such compensation is determined by the Secretary consistent, to the maximum extent possible, with section 203(b). If the mortgage is resold pursuant to subparagraph (C)(iii), the Secretary may provide for the existing servicer to continue to service the mortgage or may engage another entity to service the mortgage.''.

(4) IMPLEMENTATION.—The Secretary of Housing and Urban Development may implement the amendments made by this subsection through notice or mortgagee letter.

(e) CHANGE OF STATUS.—The National Housing Act is amended by striking section 532 (12 U.S.C. 1735f–10) and inserting the following new section:

''SEC. 532. CHANGE OF MORTGAGEE STATUS.

''(a) NOTIFICATION.—Upon the occurrence of any action described in subsection (b), an approved mortgagee shall immediately submit to the Secretary, in writing, notification of such occurrence.

''(b) ACTIONS.—The actions described in this subsection are as follows:

''(1) The debarment, suspension or a Limited Denial of Participation (LDP), or application of other sanctions, other exclusions, fines, or penalties applied to the mortgagee or to any officer, partner, director, principal, manager, supervisor, loan processor, loan underwriter, or loan originator of the mortgagee pursuant to applicable provisions of State or Federal law.

''(2) The revocation of a State-issued mortgage loan originator license issued pursuant to the S.A.F.E. Mortgage Licensing Act of 2008 (12 U.S.C. 5101 et seq.) or any other similar declaration of ineligibility pursuant to State law.''.

(f) CIVIL MONEY PENALTIES.—Section 536 of the National Housing Act (12 U.S.C. 1735f–14) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''or any of its owners, officers, or directors'' after ''mortgagee or lender'';

(ii) in subparagraph (H), by striking ''title I'' and all that follows through ''under this Act.'' and inserting ''title I or II of this Act, or any implementing regulation, handbook, or mortgagee letter that is issued under this Act.''; and

(iii) by inserting after subparagraph (J) the following:

''(K) Violation of section 202(d) of this Act (12 U.S.C. 1708(d)).

''(L) Use of 'Federal Housing Administration', 'Department of Housing and Urban Development', 'Government National Mortgage Association', 'Ginnie Mae', the acronyms 'HUD', 'FHA', or 'GNMA', or any official seal or logo of the Department of Housing and Urban Development, except as authorized by the Secretary.'';

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ''or'' at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

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

''(D) causing or participating in any of the violations set forth in paragraph (1) of this subsection.''; and

(C) by amending paragraph (3) to read as follows:

''(3) PROHIBITION AGAINST MISLEADING USE OF FEDERAL ENTITY DESIGNATION.—The Secretary may impose a civil money penalty, as adjusted from time to time, under subsection (a) for any use of 'Federal Housing Administration', 'Department of Housing and Urban Development', 'Government National Mortgage Association', 'Ginnie Mae', the acronyms 'HUD', 'FHA', or 'GNMA', or any official seal or logo of the Department of Housing and Urban Development, by any person, party, company, firm, partnership, or business, including sellers of real estate, closing agents, title companies, real estate agents, mortgage brokers, appraisers, loan correspondents, and dealers, except as authorized by the Secretary.''; and

(2) in subsection (g), by striking ''The term'' and all that follows through the end of the sentence and inserting ''For purposes of this section, a person acts knowingly when a person has actual knowledge of acts or should have known of the acts.''.

(g) EXPANDED REVIEW OF FHA MORTGAGEE APPLICANTS AND NEWLY APPROVED MORTGAGEES.—Not later than the expiration of the 3-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development shall—

(1) expand the existing process for reviewing new applicants for approval for participation in the mortgage insurance programs of the Secretary for mortgages on 1- to 4-family residences for the purpose of identifying applicants who represent a high risk to the Mutual Mortgage Insurance Fund; and

(2) implement procedures that, for mortgagees approved during the 12-month period ending upon such date of enactment—

(A) expand the number of mortgages originated by such mortgagees that are reviewed for compliance with applicable laws, regulations, and policies; and

(B) include a process for random reviews of such mortgagees and a process for reviews that is based on volume of mortgages originated by such mortgagees.

SEC. 204. ENHANCEMENT OF LIQUIDITY AND STABILITY OF INSURED DEPOSITORY INSTITUTIONS TO ENSURE AVAILABILITY OF CREDIT AND REDUCTION OF FORECLOSURES.

(a) TEMPORARY INCREASE IN DEPOSIT INSURANCE EXTENDED.—Section 136 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5241) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''December 31, 2009'' and inserting ''December 31, 2013'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking ''December 31, 2009'' and inserting ''December 31, 2013''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''December 31, 2009'' and inserting ''December 31, 2013'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking ''December 31, 2009'' and inserting ''December 31, 2013''; and

(b) EXTENSION OF RESTORATION PLAN PERIOD.—Section 7(b)(3)(E)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)(E)(ii)) is amended by striking ''5-year period'' and inserting ''8-year period''.

(c) FDIC AND NCUA BORROWING AUTHORITY.—

(1) FDIC.—Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1824(a)) is amended—

(A) by striking ''$30,000,000,000'' and inserting ''$100,000,000,000'';

(B) by striking ''The Corporation is authorized'' and inserting the following:

''(1) IN GENERAL.—The Corporation is authorized'';

(C) by striking ''There are hereby'' and inserting the following:

''(2) FUNDING.—There are hereby''; and

(D) by adding at the end the following:

''(3) TEMPORARY INCREASES AUTHORIZED.—

''(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board of Directors (upon a vote of not less than two-thirds of the members of the Board of Directors) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the $100,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed $500,000,000,000.

''(B) REPORT REQUIRED.—If the borrowing authority of the Corporation is increased above $100,000,000,000 pursuant to subparagraph (A), the Corporation shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.

''(C) RESTRICTION ON USAGE.—The Corporation may not borrow pursuant to subparagraph (A) to fund obligations of the Corporation incurred as a part of a program established by the Secretary of the Treasury pursuant to the Emergency Economic Stabilization Act of 2008 to purchase or guarantee assets.''.

(2) NCUA.—Section 203(d)(1) of the Federal Credit Union Act (12 U.S.C. 1783(d)(1)) is amended to read as follows:

''(1) If, in the judgment of the Board, a loan to the insurance fund, or to the stabilization fund described in section 217 of this title, is required at any time for purposes of this subchapter, the Secretary of the Treasury shall make the loan, but loans under this paragraph shall not exceed in the aggregate $6,000,000,000 outstanding at any one time. Except as otherwise provided in this subsection, section 217, and in subsection (e) of this section, each loan under this paragraph shall be made on such terms as may be fixed by agreement between the Board and the Secretary of the Treasury.''.

(3) TEMPORARY INCREASES OF BORROWING AUTHORITY FOR NCUA.—Section 203(d) of the Federal Credit Union Act (12 U.S.C. 1783(d)) is amended by adding at the end the following:

''(4) TEMPORARY INCREASES AUTHORIZED.—

''(A) RECOMMENDATIONS FOR INCREASE.—During the period beginning on the date of enactment of this paragraph and ending on December 31, 2010, if, upon the written recommendation of the Board (upon a vote of not less than two-thirds of the members of the Board) and the Board of Governors of the Federal Reserve System (upon a vote of not less than two-thirds of the members of such Board), the Secretary of the Treasury (in consultation with the President) determines that additional amounts above the $6,000,000,000 amount specified in paragraph (1) are necessary, such amount shall be increased to the amount so determined to be necessary, not to exceed $30,000,000,000.

''(B) REPORT REQUIRED.—If the borrowing authority of the Board is increased above $6,000,000,000 pursuant to subparagraph (A), the Board shall promptly submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the reasons and need for the additional borrowing authority and its intended uses.''.

(d) EXPANDING SYSTEMIC RISK SPECIAL ASSESSMENTS.—Section 13(c)(4)(G)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)) is amended to read as follows:

''(ii) REPAYMENT OF LOSS.—

''(I) IN GENERAL.—The Corporation shall recover the loss to the Deposit Insurance Fund arising from any action taken or assistance provided with respect to an insured depository institution under clause (i) from 1 or more special assessments on insured depository institutions, depository institution holding companies (with the concurrence of the Secretary of the Treasury with respect to holding companies), or both, as the Corporation determines to be appropriate.

''(II) TREATMENT OF DEPOSITORY INSTITUTION HOLDING COMPANIES.—For purposes of this clause, sections 7(c)(2) and 18(h) shall apply to depository institution holding companies as if they were insured depository institutions.

''(III) REGULATIONS.—The Corporation shall prescribe such regulations as it deems necessary to implement this clause. In prescribing such regulations, defining terms, and setting the appropriate assessment rate or rates, the Corporation shall establish rates sufficient to cover the losses incurred as a result of the actions of the Corporation under clause (i) and shall consider: the types of entities that benefit from any action taken or assistance provided under this subparagraph; economic conditions, the effects on the industry, and such other factors as the Corporation deems appropriate and relevant to the action taken or the assistance provided. Any funds so collected that exceed actual losses shall be placed in the Deposit Insurance Fund.''.

(e) ESTABLISHMENT OF A NATIONAL CREDIT UNION SHARE INSURANCE FUND RESTORATION PLAN PERIOD.—Section 202(c)(2) of the Federal Credit Union Act (12 U.S.C. 1782(c)(2)) is amended by adding at the end the following new subparagraph:

''(D) FUND RESTORATION PLANS.—

''(i) IN GENERAL.—Whenever—

''(I) the Board projects that the equity ratio of the Fund will, within 6 months of such determination, fall below the minimum amount specified in subparagraph (C); or

''(II) the equity ratio of the Fund actually falls below the minimum amount specified in subparagraph (C) without any determination under sub-clause (I) having been made, the Board shall establish and implement a restoration plan within 90 days that meets the requirements of clause (ii) and such other conditions as the Board determines to be appropriate.

''(ii) REQUIREMENTS OF RESTORATION PLAN.—A restoration plan meets the requirements of this clause if the plan provides that the equity ratio of the Fund will meet or exceed the minimum amount specified in subparagraph (C) before the end of the 8-year period beginning upon the implementation of the plan (or such longer period as the Board may determine to be necessary due to extraordinary circumstances).

''(iii) TRANSPARENCY.—Not more than 30 days after the Board establishes and implements a restoration plan under clause (i), the Board shall publish in the Federal Register a detailed analysis of the factors considered and the basis for the actions taken with regard to the plan.''.

(f) TEMPORARY CORPORATE CREDIT UNION STABILIZATION FUND.—

(1) ESTABLISHMENT OF STABILIZATION FUND.—Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.) is amended by adding at the end the following new section:

''SEC. 217. TEMPORARY CORPORATE CREDIT UNION STABILIZATION FUND.

''(a) ESTABLISHMENT OF STABILIZATION FUND.—There is hereby created in the Treasury of the United States a fund to be known as the 'Temporary Corporate Credit Union Stabilization Fund.' The Board will administer the Stabilization Fund as prescribed by section 209.

''(b) EXPENDITURES FROM STABILIZATION FUND.—Money in the Stabilization Fund shall be available upon requisition by the Board, without fiscal year limitation, for making payments for the purposes described in section 203(a), subject to the following additional limitations:

''(1) All payments other than administrative payments shall be connected to the conservatorship, liquidation, or threatened conservatorship or liquidation, of a corporate credit union.

''(2) Prior to authorizing each payment the Board shall—

''(A) certify that, absent the existence of the Stabilization Fund, the Board would have made the identical payment out of the National Credit Union Share Insurance Fund (Insurance Fund); and

''(B) report each such certification to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

''(c) AUTHORITY TO BORROW.—

''(1) IN GENERAL.—The Stabilization Fund is authorized to borrow from the Secretary of the Treasury from time-to-time as deemed necessary by the Board. The maximum outstanding amount of all borrowings from the Treasury by the Stabilization Fund and the National Credit Union Share Insurance Fund, combined, is limited to the amount provided for in section 203(d)(1), including any authorized increases in that amount.

''(2) REPAYMENT OF ADVANCES.—

''(A) IN GENERAL.—The advances made under this section shall be repaid by the Stabilization Fund, and interest on such advance shall be paid, to the General fund of the Treasury.

''(B) VARIABLE RATE OF INTEREST.—The Secretary of the Treasury shall make the first rate determination at the time of the first advance under this section and shall reset the rate again for all advances on each anniversary of the first advance. The interest rate shall be equal to the average market yield on outstanding marketable obligations of the United States with remaining periods to maturity equal to 12 months.

''(3) REPAYMENT SCHEDULE.—The Stabilization Fund shall repay the advances on a first-in, first-out basis, with interest on the amount repaid, at times and dates determined by the Board at its discretion. All advances shall be repaid not later than the date of the seventh anniversary of the first advance to the Stabilization Fund, unless the Board extends this final repayment date. The Board shall obtain the concurrence of the Secretary of the Treasury on any proposed extension, including the terms and conditions of the extended repayment.

''(d) ASSESSMENT TO REPAY ADVANCES.—At least 90 days prior to each repayment described in subsection (c)(3), the Board shall set the amount of the upcoming repayment and determine if the Stabilization Fund will have sufficient funds to make the repayment. If the Stabilization Fund might not have sufficient funds to make the repayment, the Board shall assess each federally insured credit union a special premium due and payable within 60 days in an aggregate amount calculated to ensure the Stabilization Fund is able to make the repayment. The premium charge for each credit union shall be stated as a percentage of its insured shares as represented on the credit union's previous call report. The percentage shall be identical for each credit union. Any credit union that fails to make timely payment of the special premium is subject to the procedures and penalties described under subsections (d), (e), and (f) of section 202.

''(e) DISTRIBUTIONS FROM INSURANCE FUND.—At the end of any calendar year in which the Stabilization Fund has an outstanding advance from the Treasury, the Insurance Fund is prohibited from making the distribution to insured credit unions described in section 202(c)(3). In lieu of the distribution described in that section, the Insurance Fund shall make a distribution to the Stabilization Fund of the maximum amount possible that does not reduce the Insurance Fund's equity ratio below the normal operating level and does not reduce the Insurance Fund's available assets ratio below 1.0 percent.

''(f) INVESTMENT OF STABILIZATION FUND ASSETS.—The Board may request the Secretary of the Treasury to invest such portion of the Stabilization Fund as is not, in the Board's judgment, required to meet the current needs of the Stabilization Fund. Such investments shall be made by the Secretary of the Treasury in public debt securities, with maturities suitable to the needs of the Stabilization Fund, as determined by the Board, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

''(g) REPORTS.—The Board shall submit an annual report to Congress on the financial condition and the results of the operation of the Stabilization Fund. The report is due to Congress within 30 days after each anniversary of the first advance made under subsection (c)(1). Because the Fund will use advances from the Treasury to meet corporate stabilization costs with full repayment of borrowings to Treasury at the Board's discretion not due until 7 years from the initial advance, to the extent operating expenses of the Fund exceed income, the financial condition of the Fund may reflect a deficit. With planned and required future repayments, the Board shall resolve all deficits prior to termination of the Fund.

''(h) CLOSING OF STABILIZATION FUND.—Within 90 days following the seventh anniversary of the initial Stabilization Fund advance, or earlier at the Board's discretion, the Board shall distribute any funds, property, or other assets remaining in the Stabilization Fund to the Insurance Fund and shall close the Stabilization Fund. If the Board extends the final repayment date as permitted under subsection (c)(3), the mandatory date for closing the Stabilization Fund shall be extended by the same number of days.''.

(2) CONFORMING AMENDMENT.—Section 202(c)(3)(A) of the Federal Credit Union Act (12 U.S.C. 1782(c)(3)(A)) is amended by inserting '', subject to the requirements of section 217(e),'' after ''The Board shall''.

SEC. 205. APPLICATION OF GSE CONFORMING LOAN LIMIT TO MORTGAGES ASSISTED WITH TARP FUNDS.

In making any assistance available to prevent and mitigate foreclosures on residential properties, including any assistance for mortgage modifications, using any amounts made available to the Secretary of the Treasury under title I of the Emergency Economic Stabilization Act of 2008, the Secretary shall provide that the limitation on the maximum original principal obligation of a mortgage that may be modified, refinanced, made, guaranteed, insured, or otherwise assisted, using such amounts shall not be less than the dollar amount limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal Home Loan Mortgage Corporation that is in effect, at the time that the mortgage is modified, refinanced, made, guaranteed, insured, or otherwise assisted using such amounts, for the area in which the property involved in the transaction is located.

SEC. 206. MORTGAGES ON CERTAIN HOMES ON LEASED LAND.

Section 255(b)(4) of the National Housing Act (12 U.S.C. 1715z–20(b)(4)) is amended by striking subparagraph (B) and inserting:

''(B) under a lease that has a term that ends no earlier than the minimum number of years, as specified by the Secretary, beyond the actuarial life expectancy of the mortgagor or comortgagor, whichever is the later date.''.

SEC. 207. SENSE OF CONGRESS REGARDING MORTGAGE REVENUE BOND PURCHASES.

It is the sense of the Congress that the Secretary of the Treasury should use amounts made available in this Act to purchase mortgage revenue bonds for single-family housing issued through State housing finance agencies and through units of local government and agencies thereof.

TITLE III—MORTGAGE FRAUD TASK FORCE

SEC. 301. SENSE OF CONGRESS ON ESTABLISHMENT OF A NATIONWIDE MORTGAGE FRAUD TASK FORCE.

(a) IN GENERAL.—It is the sense of the Congress that the Department of Justice establish a Nationwide Mortgage Fraud Task Force (hereinafter referred to in this section as the ''Task Force'') to address mortgage fraud in the United States.

(b) SUPPORT.—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Attorney General should provide the Task Force with the appropriate staff, administrative support, and other resources necessary to carry out the duties of the Task Force.

(c) MANDATORY FUNCTIONS.—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Attorney General should—

(1) establish coordinating entities, and solicit the voluntary participation of Federal, State, and local law enforcement and prosecutorial agencies in such entities, to organize initiatives to address mortgage fraud, including initiatives to enforce State mortgage fraud laws and other related Federal and State laws;

(2) provide training to Federal, State, and local law enforcement and prosecutorial agencies with respect to mortgage fraud, including related Federal and State laws;

(3) collect and disseminate data with respect to mortgage fraud, including Federal, State, and local data relating to mortgage fraud investigations and prosecutions; and

(4) perform other functions determined by the Attorney General to enhance the detection of, prevention of, and response to mortgage fraud in the United States.

(d) OPTIONAL FUNCTIONS.—If the Department of Justice establishes the Task Force referred to in subsection (a), it is the sense of the Congress that the Task Force should—

(1) initiate and coordinate Federal mortgage fraud investigations and, through the coordinating entities described under subsection (c), State and local mortgage fraud investigations;

(2) establish a toll-free hotline for—

(A) reporting mortgage fraud;

(B) providing the public with access to information and resources with respect to mortgage fraud; and

(C) directing reports of mortgage fraud to the appropriate Federal, State, and local law enforcement and prosecutorial agency, including to the appropriate branch of the Task Force established under subsection (d);

(3) create a database with respect to suspensions and revocations of mortgage industry licenses and certifications to facilitate the sharing of such information by States;

(4) make recommendations with respect to the need for and resources available to provide the equipment and training necessary for the Task Force to combat mortgage fraud; and

(5) propose legislation to Federal, State, and local legislative bodies with respect to the elimination and prevention of mortgage fraud, including measures to address mortgage loan procedures and property appraiser practices that provide opportunities for mortgage fraud.

TITLE IV—FORECLOSURE MORATORIUM PROVISIONS

SEC. 401. SENSE OF THE CONGRESS ON FORECLOSURES.

(a) IN GENERAL.—It is the sense of the Congress that mortgage holders, institutions, and mortgage servicers should not initiate a foreclosure proceeding or a foreclosure sale on any homeowner until the foreclosure mitigation provisions, like the Hope for Homeowners program, as required under title II, and the President's ''Homeowner Affordability and Stability Plan'' have been implemented and determined to be operational by the Secretary of Housing and Urban Development and the Secretary of the Treasury.

(b) SCOPE OF MORATORIUM.—The foreclosure moratorium referred to in subsection (a) should apply only for first mortgages secured by the owner's principal dwelling.

(c) FHA-REGULATED LOAN MODIFICATION AGREEMENTS.—If a mortgage holder, institution, or mortgage servicer to which subsection (a) applies reaches a loan modification agreement with a homeowner under the auspices of the Federal Housing Administration before any plan referred to in such subsection takes effect, subsection (a) shall cease to apply to such institution as of the effective date of the loan modification agreement.

(d) DUTY OF CONSUMER TO MAINTAIN PROPERTY.—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued , or consummated with respect to

any homeowner mortgage should not, with respect to any property securing such mortgage, destroy, damage, or impair such property, allow the property to deteriorate, or commit waste on the property.

(e) DUTY OF CONSUMER TO RESPOND TO REASONABLE INQUIRIES.—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage should respond to reasonable inquiries from a creditor or servicer during the period during which such foreclosure proceeding or sale is barred.

SA 1019. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; as follows:

On page 17, strike line 1 and all that follows through page 18, line 4 and insert the following:

''(1) to the extent that the servicer owes a duty to investors or other parties to maximize the net present value of such mortgages, the duty shall be construed to apply to all such investors or group of investors; and

''(2) the servicer shall be deemed to have satisfied the duty set forth in paragraph (1) if, before December 31, 2012, the servicer implements a qualified loss mitigation plan that meets the following criteria:

''(A) Default on the payment of such mortgage has occurred, is imminent, or is reasonably foreseeable, as such terms are defined by guidelines issued by the Secretary of the Treasury or his designee under the Emergency Economic Stabilization Act of 2008.

''(B) The mortgagor occupies the property securing the mortgage as his or her principal residence.

''(C) The servicer reasonably determined, in good faith, consistent with the guidelines issued by the Secretary of the Treasury or his designee, that the application of such qualified loss mitigation plan to a mortgage or class of mortgages will likely provide an anticipated recovery on the outstanding principal mortgage debt that will exceed the anticipated recovery through foreclosures or other resolution.

SA 1020. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE V—ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM

SEC. 501. ENHANCED OVERSIGHT OF THE TROUBLED ASSET RELIEF PROGRAM.

Section 116 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5226) is amended—

(1) in subsection (a)(1)(A)—

(A) in clause (iii), by striking ''and'' at the end;

(B) in clause (iv), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(v) public accountability for the exercise of such authority, including with respect to actions taken by those entities participating in programs established under this Act.''; and

(2) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by striking subparagraph (B) and inserting the following:

''(B) ACCESS TO RECORDS.—

''(i) IN GENERAL.—Notwithstanding any other provision of law, and for purposes of reviewing the performance of the TARP, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the TARP, any entity established by the Secretary under this Act, or any entity participating in a program established under the authority of this Act, and to the officers, employees, directors, independent public accountants, financial advisors and any and all other agents and representatives thereof, at such time as the Comptroller General may request.

''(ii) VERIFICATION.—The Comptroller General shall be afforded full facilities for verifying transactions with the balances or securities held by, among others, depositories, fiscal agents, and custodians.

''(iii) COPIES.—The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

''(C) AGREEMENT BY ENTITIES.—Each contract, term sheet, or other agreement between the Secretary or the TARP (or any TARP vehicle, officer, director, employee, independent public accountant, financial advisor, or other TARP agent or representative) and an entity participating in a program established under this Act shall provide for access by the Comptroller General in accordance with this section.

''(D) RESTRICTION ON PUBLIC DISCLOSURE.—

''(i) IN GENERAL.—The Comptroller General may not publicly disclose proprietary or trade secret information obtained under this section.

''(ii) EXCEPTION FOR CONGRESSIONAL COMMITTEES.—This subparagraph does not limit disclosures to congressional committees or members thereof having jurisdiction over any private or public entity participating in a program established under this Act.

''(iii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter or amend the prohibitions against the disclosure of trade secrets or other information prohibited by section 1905 of title 18, United States Code, or other applicable provisions of law.''.

SA 1021. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

TITLE ____—COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES

SEC. _____. COMPTROLLER GENERAL ADDITIONAL AUDIT AUTHORITIES.

(a) DEFINITION OF AGENCY.—Section 714(a) of title 31, United States Code, is amended by striking ''Federal Reserve Board,'' and inserting ''Board of Governors of the Federal Reserve System (in this section referred to as the 'Board'), the Federal Open Market Committee, the Federal Advisory Council,''.

(b) AUDITS OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM AND THE FEDERAL RESERVE BANKS.—Section 714(b) of title 31, United States Code, is amended by striking the second sentence.

(c) CONFIDENTIAL INFORMATION.—Section 714(c) of title 31, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2)(A) Except as provided under paragraph (4), an officer or employee of the Government Accountability Office may not provide to any person outside the Government Accountability Office any document or name described under subparagraph (B) if that document or name is maintained as confidential by the Board, the Federal Open Market Committee, the Federal Advisory Council, or any Federal reserve bank.

''(B) The documents and names referred to under subparagraph (A) are—

''(i) any document relating to—

''(I) transactions for or with a foreign central bank, government of a foreign country, or nonprivate international financing organization;

''(II) deliberations, decisions, or actions on monetary policy matters, including discount window operations, reserves of member banks, securities credit, interest on deposits, and open market operations; or

''(III) transactions made under the direction of the Federal Open Market Committee; or

''(ii) the name of any foreign central bank, government of a foreign country, or non-private international financing organization associated with a transaction described under clause (i)(I).''; and

(3) by striking paragraph (4) (as redesignated by this subsection) and inserting the following:

''(4) This subsection shall not—

''(A) authorize an officer or employee of an agency to withhold information from any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee; or

''(B) limit any disclosure by the Government Accountability Office to any committee or subcommittee of jurisdiction of Congress, or any member of such committee or subcommittee.''.

(d) ACCESS TO RECORDS.—

(1) ACCESS TO RECORDS.—Section 714(d)(1) of title 31, United States Code, is amended—

(A) in the first sentence, by inserting ''or any entity established by an agency'' after ''an agency''; and

(B) by inserting ''The Comptroller General shall have access to the officers, employees, contractors, and other agents and representatives of an agency or any entity established by an agency at any reasonable time as the Comptroller General may request. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General determines appropriate.'' after the first sentence.

(2) UNAUTHORIZED ACCESS.—Section 714(d)(2) of title 31, United States Code, is amended by inserting '', copies of any record,'' after ''records''.

(e) AVAILABILITY OF DRAFT REPORTS FOR COMMENT.—Section 718(a) of title 31, United States Code, is amended by striking ''Federal Reserve Board,'' and inserting ''Board of Governors of the Federal Reserve System, the Federal Open Market Committee, the Federal Advisory Council,''.

SA 1022. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of title I of the amendment, add the following:

SEC. 105. NEIGHBORHOOD STABILIZATION PROGRAM REFINEMENTS.

(a) IN GENERAL.—Section 2301(c) of the Foreclosure Prevention Act of 2008 (42 U.S.C. 5301 note) is amended by adding at the end the following:

''(4) FORECLOSURE PREVENTION.—For any amounts appropriated under the heading 'Community Development Fund' of title XII of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 217), each State and unit of general local government that receives an allocation of any such amounts pursuant to section 2302 may use up to 10 percent of such amounts for foreclosure prevention programs, activities, and services, as such programs, activities, and services are defined by the Secretary, provided that the State or unit of general local government discloses, in its application for such amounts, its intentions to use such amounts for such foreclosure prevention purposes.''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on the date of enactment of the American Recovery and Reinvestment Act of 2009.

SA 1023. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of title I of the amendment, add the following:

SEC. 105. WARNINGS TO HOMEOWNERS OF FINANCIAL SCAMS.

(a) IN GENERAL.—If a loan servicer finds that a homeowner has failed to make 2 consecutive payments on a residential mortgage loan and such loan is at risk of being foreclosed upon, the loan servicer shall notify such homeowner of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE REQUIREMENTS.—Each notice provided under subsection (a) shall—

(1) be in writing;

(2) be included with a mailing of account information;

(3) have the heading ''Notice Required by Federal Law'' in a 14-point boldface type in English and Spanish at the top of such notice; and

(4) contain the following statement in English and Spanish: ''Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and nonprofit agencies you may contact for helpful information about the foreclosure process. Contact your lender immediately at [_____], call the Department of Housing and Urban Development Housing Counseling Line at (800) 569–4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department's Tips for Avoiding Foreclosure website at http://www.hud.gov/foreclosure for additional assistance.'' (the blank space to be filled in by the loan servicer and successor telephone numbers and Uniform Resource Locators (URLs) for the Department of Housing and Urban Development Housing Counseling Line and Tips for Avoiding Foreclosure website, respectively.).

(c) LOAN SERVICER.—As used in this section, the term ''loan servicer'' has the same meaning as the term ''servicer'' in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(d) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A failure to comply with any provision of this section shall be treated as a violation of a rule defining an unfair or deceptive act or practice promulgated under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.

SA 1024. Mr. KERRY (for himself, Mrs. BOXER, Mrs. GILLIBRAND, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

TITLE V—PROTECTING TENANTS AT FORECLOSURE ACT

SEC. 501. SHORT TITLE.

This title may be cited as the ''Protecting Tenants at Foreclosure Act of 2009''.

SEC. 502. EFFECT OF FORECLOSURE ON PREEXISTING TENANCY.

(a) IN GENERAL.—In the case of any foreclosure on any dwelling or residential real property after the date of enactment of this title, any immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

(1) the provision, by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and

(2) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90 day notice under paragraph (1); or

(B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90 day notice under subsection (1),

except that nothing under this section shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants.

(b) BONA FIDE LEASE OR TENANCY.—For purposes of this section, a lease or tenancy shall be considered bona fide only if—

(1) the mortgagor under the contract is not the tenant;

(2) the lease or tenancy was the result of an arms-length transaction; or

(3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

SEC. 503. EFFECT OF FORECLOSURE ON SECTION 8 TENANCIES.

Section 8(o)(7) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) is amended—

(1) by inserting before the semi-colon in subparagraph (C) the following: ''and in the case of an owner who is an immediate successor in interest pursuant to foreclosure—

''(i) during the initial term of the lease vacating the property prior to sale shall not constitute other good cause; and

''(ii) in subsequent lease terms, vacating the property prior to sale may constitute good cause if the property is unmarketable while occupied, or if such owner will occupy the unit as a primary residence''; and

(2) by inserting at the end of subparagraph (F) the following: ''In the case of any foreclosure on any residential real property in which a recipient of assistance under this subsection resides, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to the housing assistance payments contract between the prior owner and the public housing agency for the occupied unit, except that this provision and the provisions related to foreclosure in subparagraph (C) shall not shall not affect any State or local law that provides longer time periods or other additional protections for tenants.''.

SA 1025. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

TITLE V—TARP REDUCTION PRIORITY ACT

SEC. 501. SHORT TITLE.

This title may be cited as the ''TARP Reduction Priority Act''.

SEC. 502. FINDINGS.

Congress finds the following:

(1) On October 7, 2008, Congress established the Troubled Assets Relief Program (TARP) as part of the Emergency Economic Stabilization Act (Public 110-343; 122 Stat. 3765) and allocated $700,000,000,000 for the purchase of toxic assets from banks with the goal of restoring liquidity to the financial sector and restarting the flow of credit in our markets.

(2) The Department of Treasury, without consultation with Congress, changed the purpose of TARP and began injecting capital into financial institutions through a program called the Capital Purchase Program (CPP) rather than purchasing toxic assets.

(3) Lending by financial institutions was not noticeably increased with the implementation of the CPP and the expenditure of $218,000,000,000 of TARP funds, despite the goal of the program.

(4) The recipients of amounts under the CPP are now faced with additional restrictions related to accepting those funds.

(5) A number of community banks and large financial institutions have expressed their desire to return their CPP funds to the Department of Treasury and the Department has begun the process of accepting receipt of such funds.

(6) The Department of the Treasury should not reuse returned funds for additional lending for financial assistance.

(7) The United States Constitution provided Congress with the power of the purse hence any future spending of TARP funds, or other financial assistance, should be determined by Congress.

SEC. 503. TARP AUTHORIZATION REDUCTION.

Section 115(a)(3) the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by inserting ''minus any aggregate amounts received by the Secretary for repayment of the principal of financial assistance by an entity that has received financial assistance under the TARP or any

program enacted by the Secretary under the authorities granted to the Secretary under this Act,'' before ''outstanding at any one time.''

SA 1026. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATION ON USE OF TARP FUNDS.

Notwithstanding any other provision of law, on and after April 22, 2009, no funds made available to carry out the Troubled Asset Relief Program may be used for the acquisition of ownership of the common stock of any financial institution assisted under title I of the Emergency Economic Stabilization Act of 2008, either directly or through a conversion of preferred stock or future direct capital purchases.

SA 1027. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE V—TAX PROVISIONS

SEC. 501. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

''SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

''(a) ALLOWANCE OF CREDIT.—

''(1) IN GENERAL.—In the case of an individual who is a purchaser of a principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 10 percent of the purchase price of the residence.

''(2) DOLLAR LIMITATION.—The amount of the credit allowed under paragraph (1) shall not exceed $15,000.

''(3) ALLOCATION OF CREDIT AMOUNT.—At the election of the taxpayer, the amount of the credit allowed under paragraph (1) (after application of paragraph (2)) may be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the principal residence is made.

''(b) LIMITATIONS.—

''(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

''(A) after March 30, 2009, and

''(B) before April 1, 2010.

''(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) for the taxable year.

''(3) ONE-TIME ONLY.—

''(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other principal residence by such individual or a spouse of such individual.

''(B) JOINT PURCHASE.—In the case of a purchase of a principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other principal residence.

''(c) PRINCIPAL RESIDENCE.—For purposes of this section, the term 'principal residence' has the same meaning as when used in section 121.

''(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 36 or section 1400C.

''(e) SPECIAL RULES.—

''(1) JOINT PURCHASE.—

''(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$7,500' for '$15,000' in subsection (a)(1).

''(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $15,000.

''(2) PURCHASE.—In defining the purchase of a principal residence, rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply.

''(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply.

''(f) RECAPTURE OF CREDIT IN THE CASE OF CERTAIN DISPOSITIONS.—

''(1) IN GENERAL.—In the event that a taxpayer—

''(A) disposes of the principal residence with respect to which a credit was allowed under subsection (a), or

''(B) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the tax imposed by this chapter for the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence shall be increased by the amount of such credit.

''(2) EXCEPTIONS.—

''(A) DEATH OF TAXPAYER.—Paragraph (1) shall not apply to any taxable year ending after the date of the taxpayer's death.

''(B) INVOLUNTARY CONVERSION.—Paragraph (1) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence within the 2-year period beginning on the date of the disposition or cessation referred to in such paragraph. Paragraph (1) shall apply to such new principal residence during the remainder of the 24-month period described in such paragraph as if such new principal residence were the converted residence.

''(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

''(i) paragraph (1) shall not apply to such transfer, and

''(ii) in the case of taxable years ending after such transfer, paragraph (1) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

''(D) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.

''(3) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

''(4) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.

''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

''(h) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence after December 31, 2009, and before April 1, 2010, a taxpayer may elect to treat such purchase as made on December 31, 2009, for purposes of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking ''and 25B'' and inserting '', 25B, and 25E''.

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting ''25E,'' after ''25D,''.

(3) Section 25B(g)(2) of such Code is amended by striking ''section 23'' and inserting ''sections 23 and 25E''.

(4) Section 904(i) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.

(5) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 25E(g).''.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Credit for certain home purchases.''.

(d) SUNSET OF CURRENT FIRST-TIME HOMEBUYER CREDIT.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''December 1, 2009'' and inserting ''April 1, 2009''.

(2) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended by striking ''December 1, 2009'' and inserting ''April 1, 2009''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases after the date of the enactment of this Act.

SA 1028. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____ PROHIBITION ON STEERING.

(a) IN GENERAL.—The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 129 the following new section:

"SEC. 129A. PROHIBITION ON STEERING WITH RESPECT TO HOME MORTGAGE LOANS.

''(a) IN GENERAL.—In connection with a home mortgage loan, a mortgage broker or creditor may not—

''(1) steer, counsel, or direct a consumer to rates, charges, principal amount, or prepayment terms that are more expensive for that which the consumer qualifies; or

''(2) make, provide, or arrange for any consumer credit transaction secured by a consumer's principal dwelling that is more expensive than that for which the consumer qualifies.

''(b) DUTIES TO CONSUMERS.—If unable to suggest, offer, or recommend to a consumer a home loan that is not more expensive than that for which the consumer qualifies, a mortgage originator shall—

''(1) based on the information reasonably available and using the skill, care, and diligence reasonably expected for a mortgage originator, originate or otherwise facilitate a suitable home mortgage loan by another creditor to a consumer, if permitted by and in accordance with all otherwise applicable law; or

''(2) disclose to a consumer—

''(A) that the creditor does not offer a home mortgage loan that is not more expensive than a loan for which the consumer qualifies, but that other creditors may offer such a loan; and

''(B) the reasons that the products and services offered by the mortgage originator are not available to or reasonably advantageous for the consumer.

''(c) PROHIBITED CONDUCT.—In connection with a home mortgage loan, a mortgage originator may not—

''(1) mischaracterize the credit history of a consumer or the home loans available to a consumer;

''(2) mischaracterize or suborn the mischaracterization of the appraised value of the property securing the extension of credit; and

''(3) if unable to suggest, offer, or recommend to a consumer a loan that is not more expensive than a loan for which the consumer qualifies, discourage a consumer from seeking a home mortgage loan from another creditor or with another mortgage originator.

''(d) MORTGAGE BROKER DEFINED.—For purposes of this section, the term 'mortgage broker' means any person who is defined as a mortgage broker under applicable State law.''.

(b) CLERICAL AMENDMENT.—The table of sections for the Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after the item relating to section 129 the following new item:

''Sec. 129A. Prohibition on steering with respect to home mortgage loans.''.

SA 1029. Mr. SCHUMER submitted an amendment intended to be proposed by him to the resolution S. Res. 93, a bill supporting the mission and goals of 2009 National Crime Victim's Rights Week, to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984; as follows:

Strike all after the resolving clause and insert the following:

That the Senate—

(1) supports the mission and goals of 2009 National Crime Victims' Rights Week to increase public awareness of the impact of crime on victims and survivors, and of the constitutional and statutory rights and needs of victims; and

(2) recognizes the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.).

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 7, 2009, at 10:00 a.m., in room SD–366 of the Dirksen Senate office building.

The purpose of the hearing is to receive testimony on a Joint Staff draft related to cybersecurity and critical electricity infrastructure.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, US Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Leon Lowery at (202) 224–2209 or Gina Weinstock at (202) 224–5684.

SUBCOMMITTEE ON ENERGY

Mr. BINGAMAN. Mr. President, this is to advise you that a hearing has been scheduled before the Subcommittee on Energy of the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 7, 2009, at 2:30 p.m., in room SD–366 of the Dirksen Senate office building.

The purpose of the hearing is to receive testimony on net metering, interconnection standards, and other policies that promote the deployment of distributed generation to improve grid reliability, increase clean energy deployment, enable consumer choice, and diversify our Nation's energy supply.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, US Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact Alicia Jackson at (202) 224–3607 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 30, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. Dodd. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, April 30, 2009, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 30, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 30, 2009, at 2:30 p.m., to hold a hearing entitled ''Confronting Piracy off the Somali Coast.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Primary Health Care Access Reform: Community Health Centers and the National Health Service Corps'' on Thursday, April 30, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 30, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, April 30, 2009 at 9:30 a.m. in Room 628 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 30, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr DODD. Mr. President, I ask unanimous consent that the Subcommittee

on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 30, 2009, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION, BORDER SECURITY, AND REFUGEES

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Refugees, be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Comprehensive Immigration Reform in 2009, Can We Do It and How?'' on Thursday, April 30, 2009, at 2 p.m., in room SD–226 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA.

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, April 30, 2009, at 2:30 p.m. to conduct a hearing entitled, ''National Security Reform: Implementing a National Security Service Workforce.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Jamie Corey and Joel Carron of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that members of my staff, Deborah Katz, Amy Widestrom, Matthew Green, Ella Humphry, and James Bair be granted the privilege of the floor for the duration of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN INSPECTOR GENERAL PERSONNEL ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 53, S. 615.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 615) to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 615) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 615

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

SECTION 1. ADDITIONAL PERSONNEL AUTHORITIES FOR THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

Section 1229(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 381) is amended by striking paragraph (1) and inserting the following:

''(1) PERSONNEL.—

''(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

''(B) ADDITIONAL AUTHORITIES.—

''(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

''(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

''(I) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

''(II) no period of appointment may exceed the date on which the Office of the Special Inspector General for Afghanistan Reconstruction terminates under subsection (o).''.

NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 104, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 104) supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 104) was agreed to.

The preamble was agreed to.

2009 NATIONAL CRIME VICTIM'S RIGHTS WEEK

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 93, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 93) supporting the mission and goals of 2009 National Crime Victim's Rights Week, to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that a Schumer amendment to the resolution be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1029) was agreed to, as follows:

(Purpose: To amend the resolving clause)

Strike all after the resolving clause and insert the following:

That the Senate—

(1) supports the mission and goals of 2009 National Crime Victims' Rights Week to increase public awareness of the impact of crime on victims and survivors, and of the constitutional and statutory rights and needs of victims; and

(2) recognizes the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.).

The resolution (S. Res. 93), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

DESIGNATING APRIL 30, 2009, AS DÍA DE LOS NIÑOS: CELEBRATING YOUNG AMERICANS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 122, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 122) designating April 30, 2009, as ''Día de los Niños: Celebrating Young Americans,'' and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 122) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 122

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate ''Día de los Niños'', or ''Day of the Children'', on the 30th of April, in recognition and celebration of their country's future—their children;

Whereas children represent the hopes and dreams of the people of the United States and are the center of American families;

Whereas children should be nurtured and invested in to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas according to the latest Census report, there are more than 44,000,000 individuals of Hispanic descent living in the United States, nearly 15,000,000 of whom are children;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on Día de los Niños, and wish to share this custom with the rest of the Nation;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on these family values, morals, and culture to future generations;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members and that encourage children to explore and develop confidence;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the Nation to declare April 30 as ''Día de los Niños: Celebrating Young Americans'', a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all its people, and people should be encouraged to celebrate the gifts of children to society: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 2009, as ''Día de los Niños: Celebrating Young Americans''; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all our people;

(B) are positive and uplifting and that help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength and the will and fire of the human spirit to make their dreams come true.

VIETNAMESE REFUGEES DAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 123, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 123) expressing support for designation of May 2, 2009, as ''Vietnamese Refugees Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 123) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 123

Whereas the Library of Congress' Asian Division together with many Vietnamese-American organizations across the United States will sponsor a ''Journey to Freedom: A Boat People Retrospective'' symposium on May 2, 2009;

Whereas Vietnamese refugees were asylum-seekers from Communist-controlled Vietnam;

Whereas many Vietnamese escaped in boats during the late 1970s, after the Vietnam War and by land across the Cambodian, Laotian, and Thai borders into refugee camps in Thailand;

Whereas over 2,000,000 Vietnamese boat people and other refugees are now spread across the world, in the United States, Australia, Canada, France, England, Germany, China, Japan, Hong Kong, South Korea, the Philippines, and other nations;

Whereas over half of all overseas Vietnamese are Vietnamese-Americans, and Vietnamese-Americans are the fourth-largest Asian American group in the United States;

Whereas, as of 2006, 72 percent of Vietnamese-Americans were naturalized United States citizens, the highest rate among all Asian groups;

Whereas Vietnamese-Americans have made significant contributions to the rich culture and economic prosperity of the United States;

Whereas Vietnamese-Americans have distinguished themselves in the fields of literature, the arts, science, and athletics, and include actors and actresses, physicists, an astronaut, and Olympic athletes; and

Whereas May 2, 2009, would be an appropriate day to designate as ''Vietnamese Refugees Day'': Now, therefore, be it

Resolved, That the Senate supports the designation of ''Vietnamese Refugees Day'' in order to commemorate the arrival of Vietnamese refugees in the United States, to document their harrowing experiences, and subsequent achievements in their new homeland, to honor the host countries that welcomed the boat people, and to recognize the voluntary agencies and nongovernmental organizations that facilitated their resettlement, adjustment, and assimilation into mainstream society in the United States.

WORLD PRESS FREEDOM DAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 124, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 124) recognizing the threats to press freedom and expression around the world and reaffirming press freedom as a priority in the efforts of the United States to promote democracy and good governance, on the occasion of World Press Freedom Day on May 3, 2009.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, on May 3, people from across the country and around the world will celebrate World Press Freedom Day—a time to commemorate and honor the principles of freedom of expression. Established by the United Nations General Assembly in 1993, World Press Freedom Day provides an important opportunity for us all to remember the journalists and other members of the news media—of all nationalities—who have sacrificed their personal safety, and in some cases their lives, to ensure the free flow of information to the public.

Charles Caleb Colton said that ''Despotism can no more exist in a nation until the liberty of the press be destroyed, than night can happen before the sun is set.'' According to the International Federation of Journalists, at least 109 journalists and other members of the media have been killed in the line of duty during 2008. Countless others have been arrested and/or detained simply for performing their professional duties. Our Founders prized and protected freedom of the press in our national charter, the Constitution.

Courageous American journalists have documented volatile turning points in our history—and the world's history—and some have suffered or even died for their efforts, beginning with America's first martyr to press freedom, Elijah Lovejoy.

Recently, we witnessed the troubling case of Iranian-American journalist Roxana Saberi, who was arrested by Iranian authorities in January for buying a bottle of wine and was later tried behind closed doors and detained on absurd and unfounded charges of espionage. Two other American journalists—Laura Ling and Euna Lee—were detained by North Korean officials last month, while working on a story about the plight of female Chinese refugees living along the Chinese border. These troubling events are just two examples of the growing threat facing journalists around the world.

Preserving press freedoms and freedom of expression is one of my highest priorities as Chairman of the Judiciary Committee. That is why I am pleased to join Senators FEINGOLD, KAUFMAN and LUGAR in cosponsoring a resolution in honor of World Press Freedom Day.

Next week, the Judiciary Committee will consider legislation that I introduced and that is cosponsored by Senators KENNEDY, SPECTER, FEINGOLD, WHITEHOUSE, MCCASKILL and TESTER to roll back the government's excessive use of the state secrets privilege to shield government information. The State Secrets Protection Act, S. 417, will help guide the Federal courts to balance the government's legitimate interests in protecting national security, with accountability and the rights of citizens to obtain government information and seek judicial redress.

The committee also has on its agenda long-overdue legislation to establish a qualified privilege for journalists to protect the confidentiality of their sources and the public's right to know—the Free Flow of Information Act, S. 448 and H.R. 985. Last year, the Senate Judiciary Committee favorably reported a similar measure that I cosponsored with Senators LUGAR, DODD, SPECTER, SCHUMER, and GRAHAM, with a strong, bipartisan 15 to 4 vote.

I am very pleased that President Obama has stated his support of Federal shield legislation, and that Attorney General Eric Holder has also expressed his support of a carefully crafted federal shield law. At my request, the Obama administration is working closely with the committee to help reach consensus on a meaningful Federal shield bill that we can enact this year.

As we celebrate World Press Freedom Day, we are reminded that an open and accountable society comes with the duty of its citizens to seek out the truth and to empower themselves with that knowledge. All of us—whether Republican, Democrat or Independent—have an interest in preserving press freedoms and protecting the public's right to know. Enacting the State Secrets Protection Act and the Free Flow of Information Act will send a powerful signal to the entire world about this Nation's commitment to freedom of expression. For this reason, I strongly encourage all Members to join me in supporting the resolution in honor of World Press Freedom Day and in supporting these very important bills.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 124) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 124

Whereas, in 1993, the United Nations General Assembly proclaimed May 3 of each year as ''World Press Freedom Day'' to celebrate the fundamental principles of press freedom, to evaluate the state of press freedom around the world, to defend the media from attacks on the independence of the media, and to pay tribute to journalists who have lost their lives in the line of duty;

Whereas, according to the International Federation of Journalists, at least 109 journalists and other media workers were killed in 2008 while on assignment;

Whereas, according to the Committee to Protect Journalists, nearly 3 out of 4 journalists killed in the line of duty are murdered, and the killers go unpunished in nearly 9 of 10 cases;

Whereas, according to estimates by Reporters Without Borders, in 2008, 673 journalists were arrested, 929 journalists were physically attacked or threatened, and 29 journalists were kidnapped;

Whereas Freedom House reported that press freedom has been declining during recent years in both authoritarian countries and established democracies;

Whereas, reflecting the rise in influence of Internet reporting, an increasing number of online editors, bloggers, and web-based reporters are being imprisoned and their websites closed; and

Whereas press freedom is a key component of democratic governance and socio-economic development and enhances public accountability, transparency and participation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the threats to press freedom and expression around the world, on the occasion of World Press Freedom Day on May 3, 2009;

(2) commends journalists around the world for the essential role they play in promoting government accountability and strengthening civil society, despite numerous threats;

(3) pays tribute to the journalists who have lost their lives in the line of duty;

(4) condemns all actions around the world that suppress press freedom;

(5) reaffirms the centrality of press freedom to efforts by the United States to support democracy, mitigate conflict, and promote good governance around the world; and

(6) calls on the President and the Secretary of State to develop means by which the United States Government can more rapidly identify, publicize, and respond to threats against press freedom around the world.

ORDERS FOR FRIDAY, MAY 1, 2009

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Friday, May 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of S. 896, the Helping Families Save Their Homes Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SCHUMER. Mr. President, tomorrow we hope to get to a finite list of amendments on the bill so we can complete action on the legislation early next week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SCHUMER. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:15 p.m., adjourned until Friday, May 1, 2009, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF DEFENSE

CHARLES A. BLANCHARD, OF ARIZONA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE, VICE MARY L. WALKER, RESIGNED.

CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, April 30, 2009:

DEPARTMENT OF THE INTERIOR

THOMAS L. STRICKLAND, OF COLORADO, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

MR. CHRIS BLUM

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. GRAVES. Madam Speaker, it is with great pride and pleasure that I rise today to recognize the outstanding service of Chris Blum, FAA Regional Administrator for Central Region, on the occasion of his retirement after 38 years of serving the FAA.

Chris began his career in 1970 as a controller at the Miami Air Traffic Control Center. He has since served in various management positions in the FAA's Southern, Central and Great Lakes Regions. In April 2005, he was asked to handle two regions—Central and Great Lakes. This resulted in a twelve-state span, and was a first for the FAA. He was also responsible for such high volume and high visibility facilities as Chicago O'Hare. In 2008, Chris was detailed as the Acting Administrator for Regions and Center Operations, Washington, DC.

Chris has earned the gratitude and respect of his fellow colleagues and fellow citizens. His life's dedication and hard work should serve as an example to the rest of us on how we can better serve each other and our great nation.

Madam Speaker, I ask my colleagues to join with me in commending Mr. Chris Blum for his dedicated service. I know Chris's colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his retirement.

HONORING THE TOWN OF TRURO, MASSACHUSETTS ON ITS 300TH ANNIVERSARY

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in congratulating the Town of Truro, Massachusetts on the 300th anniversary of its incorporation. Since its founding, Truro has enjoyed a reputation as a diverse and culturally rich town, whose welcoming residents and awe-inspiring landscapes are famous throughout New England.

Truro's history harks back to November 1620, when the Pilgrims visited the area while their ship, the Mayflower, was anchored in what is now Provincetown Harbor. It was here that the Pilgrims found their first fresh water, and on Corn Hill, overlooking Cape Cod Bay, the voyagers found a cache of seed corn belonging to the natives which they stole to provide seed for their own spring crop. Determining that the land here was unsuitable for their purposes, the Pilgrims continued up the coast of the Cape to present-day Eastham and then ventured across the Bay to Plimoth.

On July 16, 1709, the Town of Truro gained its independence. Formerly a part of Eastham, the nascent Town encompassed the district previously known as Pamet.

During the Revolutionary War, Truro's militia demonstrated remarkable skill and bravery in keeping the British at bay. Once, the members marched in a circular formation behind a barrier dune to convey the impression that there was a large force assembled ready to defend the town. At the time, Provincetown Harbor was controlled by the British, and there was no protection for Truro save its own meager militia.

Truro has a long and distinguished seafaring history, and at one time had a shipyard which produced large vessels in the Pamet River basin. Truro whalers sailing from other ports ventured as far as the Arctic and the Falkland Islands. Ultimately, the Town of Truro's intrepid and expert whalers helped spur an industry that became profitable and culturally significant throughout coastal New England.

In fact, much of Truro's economy was once dependent on the sea. Truro's men were whalers, and the shipyard built large commercial vessels to sustain their activities. There were several try works in town to render the whale blubber into lamp oil, and salt works dotted the shores and hillsides, providing much-needed salt to preserve the catch. These industries—along with subsistence and commercial farming—have been replaced largely by the seasonal tourist industry that currently fuels the local economy.

Today, slightly more than 2,100 residents call Truro home year-round. During the summer months, the tiny Town's population swells by an estimated 17,000 to 18,000 people anxious to experience the breathtaking scenery for which Truro is known. More than half of its landmass is within the Cape Cod National Seashore. Truro's beaches stretch unbroken between its borders, offering water access for swimming, fishing, and boating.

The first lighthouse—what many consider an icon of Cape Cod—was built in Truro at Highland in 1797. At the time, the numerous shoals off the "great backside" claimed many ships as the prevailing winds and waves drove vessels to the shore. This original lighthouse was declared unsafe in 1857 and a new tower, still standing and still in-use, was built to replace it.

Truro, with its glorious sunsets; noisy, storm-surf-beaten beaches; tranquil, sunny berry-laden hills; deliciously refreshing freshwater springs; adventuresome paths; and acres of protected National Seashore land, has been home or temporary haven to politicians, musicians, puppeteers, pirates, poets, and ordinary folks. Its people are hardy and resilient. Tradesmen and professionals, artists and writers, bards and photographers, fishermen and farmers, retirees and schoolchildren all contribute to the unique fabric of the Town's community. Some grew up here; many others have chosen this special place as their home.

It is with pleasure and pride that I join Truro's residents on this auspicious day to celebrate all the achievements the Town has accomplished, and all those to come. Happy birthday, Truro. May the years ahead be ever prosperous and bright.

CONGRATULATING PAUL GIBLIN, PATTI EPLER, AND RYAN GABRIELSON RECIPIENTS OF THE 2009 PULITZER PRIZE FOR LOCAL REPORTING

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate three Arizona journalists, Paul Giblin, Patti Epler, and Ryan Gabrielson, for earning the most prestigious honor in their profession, the 2009 Pulitzer Prize for Local Reporting. Their hard work and dedicated effort on behalf of The East Valley Tribune are deserving of recognition and should be a source of pride for the people of Arizona.

The Pulitzer Prize for Local Reporting was first awarded in 1948 to honor journalists who display innovation and knowledge of their communities while reporting on important local issues. The Pulitzer Prize Committee offers each winner a $10,000 award and a commemorative certificate, but more important is these journalists have earned the respect and admiration of their peers and the public.

Paul, Patti, and Ryan have set a new standard for all Arizona journalists with their commitment to excellence through their exhaustive in-depth reporting on the impact of immigration enforcement in Arizona. Despite facing tough conditions with the downsizing of the newspaper industry—both Paul Giblin and Patti Epler have since been laid off by The Tribune—these individuals have reminded us all that investigative journalism is still vital to shedding light on and informing the public about significant issues that face the nation today.

It is only the fourth time in Arizona's history that a local media organization has won a Pulitzer Prize. More significantly, it represents only the second occasion that a Pulitzer Prize has been awarded in Arizona for reporting.

Madam Speaker, please join me in recognizing Paul, Patti, and Ryan's achievement and their continued service to journalism in the public interest.

ADRIAN MURPHY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Adrian Murphy who has received the Arvada Wheat

Ridge Service Ambassadors for Youth award. Adrian Murphy is a 7th grader at Wheat Ridge Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Adrian Murphy is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Adrian Murphy for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

The House in Committee of the Whole House on the State of the Union had under 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:

Mr. GENE GREEN of Texas. Mr. Chair, I rise today to show my support for H.R. 627, the Credit Cardholder's Bill of Rights Act of 2009.

For months, we've worked to get banks lending money again and now, it is essential that we level the playing field between cardholders and card issuers.

Americans are struggling in the midst of our economic downturn and they deserve tough new protections against excessive credit card fees, sky-high interest rates, and unfair, incomprehensible agreements that credit card companies revise at will.

By enforcing new transparency and accountability in this industry, our constituents will have a renewed faith in the credit card industry, which I believe is an essential step towards our economic recovery and faith in our system.

I am pleased to be an original co-sponsor of this bill because it is imperative to protect consumers against arbitrary interest rate increases, early pre-payment penalties, due date gimmicks and excessive fees.

We have focused so much time on helping banks, and this bill will help all Americans.

I strongly urge my colleagues to support this bill.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

SPEECH OF

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. MICA. Madam Speaker, I want to express my concern regarding the $3.5 trillion Federal budget, S. Con. Res. 13, passed by the U.S. House of Representatives yesterday.

The size of the deficit in this budget, some $1.7 trillion for one year, is almost beyond comprehension. This could be a prescription for future debt disaster for our Nation's finances. Even the United States can go bankrupt if we continue spending at this rate.

In the first 100 days of the new administration, Congress and the administration have run up more debt than the entire 8 years of the Bush Administration. The spending in the first three months includes a $787 billion so-called stimulus, $406 billion Omnibus increasing discretionary spending by 10% this year and hundreds of billions in TARP dollars.

Not only does the 2010 budget represent astronomical deficit spending, it also raises taxes by $1.5 trillion (that's trillion) dollars.

At some point soon this deficit spending, taxation and increased national indebtedness will have dramatic and negative consequences for our Nation.

INTRODUCTION OF THE ''PREPARE ALL KIDS ACT'' OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mrs. MALONEY. Madam Speaker, today, I am pleased to introduce the ''Prepare All Kids Act,'' which would assist states in providing at least one year of high quality pre-kindergarten to children. The plan calls for a new federal investment to be accompanied by matching funds from the states.

Introduced in the Senate by my colleague on the Joint Economic Committee, Sen. CASEY of Pennsylvania, I am happy to be introducing this House companion bill along with original cosponsors Reps. SCHWARTZ, FATTAH, HINCHEY, and HIRONO.

President Obama has made the expansion of high quality early education programs a major pillar of his educational reform agenda—and for good reason. Decades of research and data have proven the enormous benefits of investing in high quality early childhood development and education programs, such as higher high school graduation rates, lower need for special education, and lower rates of teen pregnancy, criminal activity, and dependence on public assistance programs. In fact, for every $1 invested in high quality early education, the nation saves up to $17 due to lower crime and decreased welfare and other entitlement spending.

Clearly, children are our Nation's greatest resource. The ''Prepare All Kids Act'' is not only the right thing to do for our children; it's a wise investment in our future.

ANGEL BREWER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Angel Brewer who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Angel Brewer is a 7th grader at Wheat Ridge Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Angel Brewer is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Angel Brewer for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

A BILL TO IMPROVE PUBLIC PARTICIPATION AND OVERALL DECISION-MAKING AT THE FEDERAL COMMUNICATIONS COMMISSION, AND FOR OTHER PURPOSES

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. BARTON of Texas. Madam Speaker, today I, along with Mr. STEARNS, introduce legislation designed to reform some of the Federal Communications Commission's byzantine regulatory processes. As the pace of competition and technological change increases in our country's communications markets, sound decision-making at the FCC and faith in how it makes those decisions become all the more important. Not only are the issues far more complex, they affect far more Americans and American businesses than ever before. The bill would do much to improve the quality of the FCC's decisions and the country's trust in the agency.

First, the bill would codify the not-so-radical notion that the FCC should let the public see proposed rules before it adopts them, and should provide everyone with a realistic amount of time to comment. If the FCC expects the American people and the regulated community to respect its decisions, I don't think it is too much to ask the FCC to show some respect for them in return. Not only will this improve everyone's confidence in the FCC's decisions, it will improve the decisions themselves, both because the agency will be forced to exert more rigor in developing policy, and because the public and the regulated community can often be the source of the best ideas. Secrecy breeds both inefficiency and distrust, and the FCC already has enough of both. Thus, the bill requires the FCC to provide at least 30 days for comments and 30 days for replies on published language of proposed rules.

Letting the sun shine in and the public have a say on what they see won't be worth much unless the commissioners are provided a reasonable amount of time to review the comments and evaluate any proposed decision document. The bill therefore requires at least 30 days after the submission of reply comments, as well as an adequate amount of time for Commission review of a draft document, before the FCC renders a decision.

Nor is it unreasonable for those waiting on a decision to know when resolution will come,

whether in their favor or against. In a rapidly evolving market, particularly in difficult economic times, uncertainty itself can be one of the greatest obstacles to investment and business planning. Consequently, the bill requires the FCC to set deadlines for action on the various types of decisions it makes.

And when the Commission adopts a decision, the text of that decision should march quickly into the public realm. The longer it takes for that language to come, the more it begins to look like the decision was not really made when the FCC said it was, but rather ironed out later through last-minute, backroom deals. Guilty or not, the FCC is widely suspected of changing its mind between decision and regulation. Under the bill, the FCC would have 30 days from adoption of a policy to release the actual text of the decision.

Statistics also are becoming increasingly important. The only reason for regulation should be a failure in the marketplace, and the American people deserve more than vague assertions from regulators that a rule is necessary. The bill therefore requires the FCC to publish a schedule of all its statistical reports, both to ensure that those reports are actually issued regularly and so that everyone can know when.

Transparency and good management should not be partisan issues, and I hope all my colleagues will join us in support of this legislation. I look forward to working with them, with the industry, with the public interest community, and with the FCC to help make commission decisions as well-crafted and unassailable as possible.

HONORING MAUREEN ARCAND

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Ms. BALDWIN. Madam Speaker, I rise today to honor Maureen Arcand, a disability researcher and advocate, community leader, and mother of six. Celebrating her 80th birthday this month, Maureen has fought for positive social change and inspired many of her fellow Wisconsinites for years.

Maureen was born in 1929 with cerebral palsy (CP). In those days, CP was poorly understood and many affected children were simply institutionalized. Nevertheless, her parents raised her through the Great Depression and World War II with high expectations, emphasizing her abilities. By age 40, Maureen was working full time, becoming increasingly involved in her community as an activist for the disabled, and single-handedly caring for her six children.

While many Americans spend their retirement relaxing, Maureen has been perhaps most active at this point in her life. In her sixties, she served the greater Madison community as an elected member of the Dane County Board of Supervisors, where I was fortunate to serve with her. Beyond her work with the Dane County Board, Maureen worked tirelessly to improve the lives of those living with disabilities. She served as president of Movin' Out, Inc., leading the Madison organization's efforts to assist people with disabilities in finding and retaining independent housing. She also lobbied for the Madison based nonprofit, Access to Independence, Inc., further reflecting her strong conviction that people with disabilities have the right to live independently and make individual choices. Following the passage of the Americans with Disabilities Act of 1990, Maureen became the first evaluation coordinator in Dane County for the ADA, proudly stating, ''Never have people with disabilities worked so well together to achieve a goal.''

In the past few years, Maureen has researched the aging process in people living with CP. Using personal insights and focus groups comprised of others affected by CP, she has illuminated much about this often misunderstood condition, creating valuable information for others with the disability. In her research titled ''One Person's Journey into Aging with Cerebral Palsy,'' Maureen states, ''This attempt to record my experiences is being made in the hope that other people with CP can benefit from knowing something about what has happened to me over the last thirty some years.''

On April 30, Maureen is celebrating her 80th birthday by launching the Maureen Arcand Advocacy and Leadership Awards to spotlight and inspire others who are continuing her work. Maureen once told me that her favorite animal is the giraffe, because it's always sticking its neck out. In reality, Maureen has spent a lifetime sticking her neck out for all of us, especially those without a voice.

Today, I therefore commend Maureen Arcand not only for her myriad accomplishments, but also the many future contributions to society that she has undoubtedly nurtured and inspired.

IN HONOR OF DR. JOEL M. LEVY'S RETIREMENT FROM YAI/NATIONAL INSTITUTE FOR PEOPLE WITH DISABILITIES NETWORK

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. NADLER of New York. Madam Speaker, I rise today to recognize a truly remarkable New Yorker, Dr. Joel M. Levy, as he retires from the YAI/National Institute for People with Disabilities Network (NIPD).

After forty years of dedicated service and leadership on behalf of people with disabilities, Dr. Levy helped grow YAI/NIPD from a small and struggling agency into one of the nation's leading providers of services for people of all ages with developmental and learning disabilities.

Dr. Levy played a key role in transforming the field of disabilities and dramatically improving the lives of thousands of individuals and families.

Dr. Levy's inspirational efforts helped create innumerable opportunities for those with developmental disabilities to experience greater independence, productivity and joy through community living, meaningful employment and volunteer activities. Furthermore, he has ensured that people with disabilities have access to quality physical and mental health care.

And because of his commitment, Dr. Levy has positioned YAI/NIPD as an internationally acclaimed professional organization renowned for its conferences, training materials, research and publications in this field.

In the course of a long and distinguished career, Dr. Levy has given hope to people with developmental and learning disabilities and their families.

On behalf of myself and all New Yorkers, I thank Dr. Levy for his years of service to people with disabilities and their families and wish him a happy and healthy retirement.

GWANE DALAWI

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Gwane Dalawi who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Gwane Dalawi is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Gwane Dalawi is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Gwane Dalawi for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

IN HONOR OF THE SILVER STAR FAMILIES OF AMERICA

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. BLUNT. Madam Speaker, I rise today to honor the Silver Star Families of America. This organization was founded by two of my constituents, Steven and Diana Newton of Clever, Missouri.

On April 11, 2005, the Silver Star Families of America was founded. Since that time, they have freely given thousands of Silver Star Service Banners to the wounded and ill or their families. Their primary mission is that every time someone sees a Silver Star Service Banner in a window or a Silver Star Flag flying, that people remember the sacrifice made by so many for this State and Nation. They have also established Silver Star Banner Day on May 1st of every year to honor the wounded and ill of the United States Armed Forces.

Steven and Diana Newton, along with national president Janie Orman and volunteers across the country, have donated close to 50,000 hours. They have also donated over $40,000 in Silver Star Banner distribution and $30,000 in direct aid to homeless and near-homeless veterans, care packages, and support of hospitalized veterans and other programs.

To date, they have honored thousands of our wounded and ill with the Silver Star Service Banner. I am proud to pay tribute to the

Silver Star Families of America, their service to veterans across our nation, and ask my colleagues in the House to join me in doing the same.

HONORING FRESNO RESCUE MISSION

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. RADANOVICH, Madam Speaker, I rise today to congratulate the Fresno Rescue Mission upon celebrating its 60th anniversary.

Reverend Clifford Phillips first envisioned the Fresno Rescue Mission with a prayer meeting, the ''Fisherman's Club'' and the concerned hearts of many local Christians. The Fresno Rescue Mission opened its doors in 1949 as a non-profit, faith-based, evangelical Christian charitable organization with the purpose of assisting local alcoholics and transient farm laborers. Since the 1950s the Fresno Rescue Mission has expanded their services to include assistance to every man, woman, child or family that walks through their doors. They stress accountability, responsible living and decision making for all residents, while encouraging them with support, training and prayer.

In 2008, the Fresno Rescue Mission served four hundred and twenty-two children at the Craycroft Youth Center, and an additional one hundred and fifty-four families with three hundred and eighty children. It shelters an average of eighty to one hundred and thirty men every night in the overnight homeless shelter for men. The Mission also averages one hundred and twenty-five men involved with the eighteen month Academy Recovery Program. Individuals that complete this program become productive, law abiding citizens. The Mission has been instrumental in changing the lives of many individuals by providing life and job skills training, literacy and GED education, computer training and a career development program. The goal of the Mission is to change one life at a time and to provide hope and renewal to abandoned, abused, neglected and addicted.

The Fresno Rescue Mission has been an integral part of the Fresno community for sixty years; saving the city, county and state millions of taxpayer dollars. Its influence has spread beyond the City of Fresno and its success was instrumental in starting twenty-two other rescue missions with the belief that people are able to rise above their mistakes to make positive changes for themselves.

Madam Speaker, I rise today to commend and congratulate the Fresno Rescue Mission on 60 years of community building. I invite my colleagues to join me in wishing the Fresno Rescue Mission many years of continued success.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

SPEECH OF

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

The House in Committee of the Whole House on the State of the Union had under 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:

Ms. HIRONO. Mr. Chair, I rise in strong support of H.R. 627, the Credit Cardholders' Bill of Rights Act.

Last year, I was an original cosponsor of a similar bill, which passed overwhelmingly in the House by a bipartisan 312 to 112 majority (including 84 Republicans). I was disappointed that this legislation languished in the Senate.

Since last year's action in the House, many American families and businesses have been particularly hard hit by the economic crisis, including those who rely upon credit lines, who, through no fault of their own, have been subjected to predatory lending or abusive credit card practices that make it difficult for them to end the cycle of costly debt. Hundreds of constituents in my district have contacted me to express support for this critical legislation.

In 2008, credit card issuers imposed $19 billion in penalty fees on families with credit cards, and this year card companies will break all records for late fees, over-limit charges, and other penalties, amounting to more than $20.5 billion for the industry. Credit card debt in the United States has reached a record high—nearly $1 trillion—with almost half of American families carrying a balance averaging $7,300 in 2007. One-fifth of those carrying credit card debt pay an interest rate above 20 percent.

H.R. 627 prohibits credit card issuers from raising rates retroactively on existing balances. The bill also requires a 45-day notice of any rate increase and prohibits companies from charging interest on balances from more than one billing cycle.

Members of the House have collaborated with President Obama to strengthen the bill by mandating that card issuers apply payments beyond the minimum to debts with the highest interest rate, requiring card companies to inform customers about the long-term costs of paying only the minimum balance, and allowing consumers to opt whether or not they want to go over their credit limit and be charged a fee for doing so.

This legislation codifies Federal Reserve rules prohibiting unfair or deceptive bank practices related to credit card accounts and overdraft services and goes further by banning the marketing and issuance of credit cards to minors under the age of 18, banning credit card companies from imposing unfair and arbitrary fees when customers pay their bills, and allowing customers to set a lower credit card limit.

The Credit Cardholders' Bill of Rights will level the playing field between card issuers and cardholders.

I urge my colleagues to support this measure.

JORDAN CONNELL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jordan Connell who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jordan Connell is an 8th grader at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Jordan Connell is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jordan Connell for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. GEORGE MILLER of California. Madam Speaker, on Wednesday, April 29, 2009, I was unavoidably detained and missed rollcall vote No. 223 on final passage of the Local Law Enforcement Hate Crimes Prevention Act. Had I been present, I would have voted in favor of this important legislation.

PERSONAL EXPLANATION

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. KISSELL. Madam Speaker, on Tuesday, April 21, 2009, I was unable to vote due to a death of a close friend and missed three rollcall votes. Had I been present, I would have vote ''yea'' on rollcall No. 193 to pass H.R. 388, the ''Crane Conservation Act of 2009; ''yea'' on rollcall No. 194 to pass H.R. 411, the ''Great Cats and Rare Canids Act of 2009; and ''yea'' on rollcall No. 195 to pass H.R. 1219, the ''Lake Hodges Surface Water Improvement and Reclamation Act of 2009.''

IN HONOR OF CHIEF MASTER SERGEANT PAUL AIREY

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. BOYD. Madam Speaker, on March 11, 2009, the Air Force, the Panama City community and indeed our Nation, lost one of the most respected Airmen in the history of the Air Force—the very first Chief Master Sergeant of the Air Force—Paul Wesley Airey.

Chief Airey was an Airman's Airman and a true Air Force pioneer. His legacy is the professional enlisted force we have serving our Nation today.

Chief Airey was born in New Bedford, MA, on December 13, 1923. He enlisted in the Air force at age eighteen, shortly after the bombing of Pearl Harbor on December 7, 1941.

The first chief master sergeant of the Air Force was always a leader. During World War II he flew as a B–24 radio operator and additional duty aerial gunner. On his 28th mission, then-Technical Sergeant Airey and his fellow crewmen were shot down over Vienna, Austria, captured, and held prisoner by the German air force from July 1944 to May 1945. During his time as a prisoner of war he worked tirelessly to meet the basic needs of fellow prisoners, even through a 90-day forced march.

Chief Airey held the top Air Force enlisted position from April 3, 1967 to July 31, 1969. During his tenure he worked to change loan establishments charging exorbitant rates outside the air base gates and to improve low retention during the Vietnam Conflict. Chief Airey also led a team that laid the foundation for the enlisted promotion testing system, a system that has stood the test of time and which is still in use today. He also advocated for an Air Force-level Senior Noncommissioned Officer Academy and this vision became reality when the academy opened in 1973.

Chief Airey retired August 1, 1970. He continued advocating for Airmen's rights by serving on the boards of numerous Air Force and enlisted professional military organizations throughout the years. He was a member of the Board of Trustees for the Airmen Memorial Museum, a member of the Air Force Memorial Foundation and the Air University Foundation.

On the north wall of the Air Force Memorial in Washington D.C., Chief Airey's thoughts on Airmen are immortalized, ''When I think of the enlisted force, I see dedication, determination, loyalty and valor.''

Before he became Chief Master Sergeant of the Air Force, Chief Airey was assigned to the Air Defense Command's Civil Engineering Squadron at Tyndall Air Force Base, Fla., where he was the unit's first sergeant. Chief Airey and his wife lived in Panama City after he retired. The Tyndall community will greatly miss the chief. An internment ceremony is scheduled for 9 a.m. on 28 May, 2009 at Arlington National Cemetery.

JORDAN HANNEBAUM

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Jordan Hannebaum who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Jordan Hannebaum is an 8th grader at Moore Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Jordan Hannebaum is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Jordan Hannebaum for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

THE ELECTRIC GRID

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. THOMPSON of Mississippi. Madam Speaker, I rise to speak in support of legislation I introduced today with the Ranking Member of the Homeland Security Committee, Mr. KING, and the Chairman and Ranking Member of the Subcommittee on Emerging Threats, Cybersecurity, Science an Technology, Ms. CLARKE and Mr. LUNGREN.

The electric grid is highly dependent on computer-based control systems. These systems are increasingly connected to open networks such as the Internet, exposing them to cyber risks. Any failure of our electric grid, whether intentional or unintentional, would have a significant and potentially devastating impact on our Nation.

For years, my Committee has been concerned about this possibility. In 2007, the Committee learned that the electric industry was not mitigating a dangerous control system vulnerability known as ''Aurora.'' We launched a series of investigations and held two hearings to understand what was being done in the public and private sectors to mitigate this and other cyber vulnerabilities.

The findings were disturbing. Most of the electric industry had not completed the recommended mitigations, despite being advised to do so by the Federal Energy Regulatory Commission and the North American Electric Reliability Corporation. This effectively left many utilities vulnerable to attacks. Furthermore, in spite of existing mandatory cybersecurity standards, the North American Electric Reliability Corporation (''NERC'') recently reported that many utilities are underreporting their critical cyber assets, potentially to avoid compliance requirements.

We must ensure that the proper protections, resources and regulatory authorities are in place to address any threat aimed at our power system. The Critical Electric Infrastructure Protection Act will do four things to improve our defensive posture:

Provides FERC with the authorities necessary to issue emergency orders to owners and operators of the electric grid after receiving a finding from DHS about a credible cyber attack.

Requires FERC to establish interim measures deemed necessary to protect against known cyber threats to critical electric infrastructure. This will improve existing mandatory standards.

Requires DHS to perform ongoing cybersecurity vulnerability and threat assessments to the critical electric infrastructure, and provide mitigation recommendations to eliminate those vulnerabilities and threats.

Requires DHS to conduct an investigation to determine if the security of Federally-owned critical electric infrastructure has been compromised by outsiders.

I believe that this legislation adopts a common-sense approach towards securing our electric grid from cyber attack, and I look forward to working with the Senate and the rest of our colleagues on bipartisan, bicameral basis to see that this bill is enacted.

CLIMATE CHANGE SAFEGUARDS FOR NATURAL RESOURCE PROTECTION ACT

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. GRIJALVA. Madam Speaker, today I am introducing the Climate Change Safeguards for Natural Resource Protection Act. I am pleased to be joined in sponsoring this measure by Chairman NICK RAHALL as well as . . .

Madam Speaker, in 1850, the estimated number of glaciers in what would become Glacier National Park was 150; today, it is 26. The Joshua Trees in Joshua Tree National Park are dying. Unless Congress and the Administration work together to combat climate change on Federal lands, these parks and others like them will need new names.

Forests, wildlife refuges, national parks and other federally-owned land and water represent a 650-million-acre front in the battle against global climate change, but many Federal land and water management agencies have yet to take up the fight in earnest.

The previous Administration pursued a ''don't-ask, don't-tell'' approach to climate change; scientific research was undermined and planning was discouraged through underfunding and censorship. As a result, the gap between what we know about climate change and what we are doing about it has widened.

The legislation we are introducing today is intended to narrow that gap by providing Federal land, water, and ocean management agencies and the States, the tools they need to protect our fish, wildlife, oceans, plants and other resources from the impacts we know are coming.

The bill requires establishment of a Natural Resources Climate Change Adaptation Panel made up of Federal agencies responsible for managing our Nation's natural resources. The Panel's mission will be to foster the kind of inter-agency cooperation and planning that is both critical in responding to climate change and, so far, sorely lacking.

The Panel will be tasked with developing a comprehensive, national strategy for combating climate change. Once the national strategy is in place, each Federal agency with jurisdiction over natural resources will be tasked with translating that broader plan into a climate change response tailored specifically to their agency's programs and activities. Furthermore, funding will be authorized to assist states in developing similar state-wide adaptation plans that lead to concrete on the ground actions to address the impacts of climate change on the natural resources they manage.

In addition, the bill will streamline, centralize and improve the collection and dissemination of climate-related scientific information. This provision will ensure that Federal climate research will be better funded, more aggressive and more easily available to land managers, policy-makers and the public.

Finally, the bill will create a centralized database of geographic mapping information designed to identify significant wildlife migration corridors. Such corridors must be included in

any ecosystem level adaptation planning efforts.

In developing this legislation, we have been privileged to work closely with our colleagues on the Energy and Commerce Committee, including Chairman WAXMAN and the Dean of the House of Representatives, JOHN DINGELL to include this bill in larger, so-called ''cap and trade'' legislation. We support having this measure included in the larger package and appreciate the support of the Energy and Commerce Committee in this effort.

This legislation is the product of multiple oversight hearings and extensive negotiations in the Natural Resources Committee. A serious and sustained commitment to fighting climate change is a significant priority for the Members of our Committee and we ask our colleagues to join us in this effort.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

SPEECH OF

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

The House in Committee of the Whole House on the State of the Union 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:

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chair, I rise in strong support of the Credit Cardholders' Bill of Rights, which will provide real relief to Americans who are being hit hard by unfair credit card practices.

Congresswoman CAROLYN MALONEY has been fighting for three years to bring these predatory practices to light, and I commend her tireless efforts.

Mr. Chair, college students are particularly vulnerable to credit card targeting and marketing. As they walk through campus, they come across offers ranging from free food to clothing just for filling out a credit card application. But after the free gifts, too many students are left with piles of debt and nowhere to turn.

For too long, credit card companies have had special deals with universities to let them market to students. Through these deals, schools receive large cash payments in exchange for handing over students' personal information and providing access to their campuses. Right now, with their families at home struggling, more students are turning to credit cards to fill the gap between their tuition bill and student loans. As a result they are racking up debts that take years to pay off. A Sallie Mae study recently reported that college seniors are graduating from school with an average of more than $4,100 in credit card debt.

I strongly support today's bill, but as it progresses I hope to see a provision included to bring accountability to the deals credit card companies make with schools. We should require that companies report the terms and conditions of agreements with schools and call for a GAO report to show the impact these agreements have on overall credit card debt. I offered a bipartisan amendment with Congressman PETRI from Wisconsin to do just that, but unfortunately it fell to procedural hurdles.

This provision would provide much needed transparency—and hopefully help prevent students from falling too far behind before they graduate. I hope as this bill makes its way through Congress, our amendment will ultimately be incorporated.

Mr. Chair, this bill is an opportunity to do what's right for American consumers. I will continue to look for ways to provide more transparency to these practices—something that the American people are desperate for right now.

With this bill, we are taking a large step toward decreasing credit card debt. I urge my colleagues to keep the debt of college students in mind as this bill moves forward.

KORI MCKEOUGH

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kori Mckeough who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kori Mckeough is a senior at Arvada High School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Kori Mckeough is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kori Mckeough for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

CONGRATULATIONS TO THE 2009 SERVICE ACADEMY APPOINTEES FROM THE 21ST CONGRESSIONAL DISTRICT OF TEXAS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. SMITH of Texas. Madam Speaker, today I want to congratulate the 2009 Service Academy nominees from the 21st Congressional District who have accepted academy appointments:

John Boone Shandera Baker, Salisbury School, Naval Academy;

Jordan Bernard Brickman, Clarke High School, Naval Academy;

Thomas Logan Chilton, Westwood High School, Naval Academy;

John Michel Paquette, Texas A&M University, Naval Academy;

Steven Charles Scott, Texas Military Institute, Naval Academy;

Nicholas Edward Espinoza, MacArthur High School, Air Force Academy;

Brent Tucker Hancock, Leander High School, Air Force Academy;

Cameron Neil Harris, International School of the Americas, Air Force Academy;

Benjamin John Matthewson, Northwestern Preparatory School, Air Force Academy;

William Thomas Stover, Central Catholic High School, Air Force Academy;

Thomas J. Wilkinson, Cedar Park High School, Air Force Academy;

Preston Joseph Horejsi, Medina High School, Military Academy;

Thomas Prioleau Ball, IV, Alamo Heights High School, Merchant Marine Academy.

INTRODUCTION OF THE LIBERTY AMENDMENT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PAUL. Madam Speaker, I am pleased to introduce the Liberty Amendment, which repeals the 16th Amendment, thus paving the way for real change in the way government collects and spends the people's hard-earned money. The Liberty Amendment also explicitly forbids the Federal government from performing any action not explicitly authorized by the United States Constitution.

The 16th Amendment gives the Federal government a direct claim on the lives of American citizens by enabling Congress to levy a direct income tax on individuals. Until the passage of the 16th amendment, the Supreme Court had consistently held that Congress had no power to impose an income tax.

Income taxes are responsible for the transformation of the Federal government from one of limited powers into a vast leviathan whose tentacles reach into almost every aspect of American life. Thanks to the income tax, today the Federal government routinely invades our privacy, and penalizes our every endeavor.

The Founding Fathers realized that ''the power to tax is the power to destroy,'' which is why they did not give the Federal government the power to impose an income tax. Needless to say, the Founders would be horrified to know that Americans today give more than a third of their income to the Federal government.

Income taxes not only diminish liberty, they retard economic growth by discouraging work and production. Our current tax system also forces Americans to waste valuable time and money on compliance with an ever-more complex tax code. The increased interest in flat-tax and national sales tax proposals, as well as the increasing number of small businesses that question the Internal Revenue Service's (IRS) ''withholding'' system provides further proof that America is tired of the labyrinthine tax code. Americans are also increasingly fed up with an IRS that continues to ride roughshod over their civil liberties, despite recent ''pro-taxpayer'' reforms.

Madam Speaker, America survived and prospered for 140 years without an income tax, and with a Federal government that generally adhered to strictly constitutional functions, operating with modest excise revenues. The income tax opened the door to the era (and errors) of Big Government. I hope my colleagues will help close that door by cosponsoring the Liberty Amendment.

PERSONAL EXPLANATION

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERRIELLO. Madam Speaker, on April 2nd, 2009, I voted against H. Con. Res. 85, the Congressional Budget Resolution for Fiscal Year 2010. Although I was unable to cast my vote on the resolution, I made it clear to Leadership that I continue to oppose the budget resolution. While this budget represents much-needed honesty by including the cost of operations in Iraq and Afghanistan, and the inevitable cost associated with natural disasters, it does not go far enough to restore fiscal responsibility to our Nation. We are suffering in the wake of eight years of historic fiscal irresponsibility. But difficult times call for difficult decisions. We cannot climb out of the current economic crisis without returning to fiscal sanity to restore consumer and investor confidence. While this budget resolution took a significant step in the right direction by cutting the deficit by more than half in five years, we can and must do better. For this reason, I continue to oppose the budget resolution.

LEE KAMPEL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Lee Kampel who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Lee Kampel is an 8th grader at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Lee Kampel is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Lee Kampel for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication he has shown in his academic career to his future accomplishments.

RECOGNIZING HONOR FLIGHT OF SOUTH CAROLINA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. WILSON of South Carolina. Madam Speaker, on April 15, 2009, a delegation of World War II veterans, family members, and volunteers from South Carolina, coordinated by Bill Dukes, gathered at the National World War II Memorial in Washington to recognize the service and sacrifice of our World War II veterans and honor the memory of five veterans. These five members of the Greatest Generation had sadly passed away before they could travel with Honor Flight—an organization that brings World War II veterans to visit the memorial erected in their honor. Five American and South Carolina flags were dedicated in the memory of: Allen C. Hart, James Adkins, Robert Atkinson, John Lachenmeyer, Harold C. Reynolds.

Our liberty is not guaranteed. It must forever be defended by the courageous men and women of our military. I am honored to recognize these brave American heroes.

RECOGNITION OF GLOBAL CHILD NUTRITION MONTH

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. MCGOVERN. Madam Speaker, I rise today in recognition of the School Nutrition Association, (SNA) and the Global Child Nutrition Foundation (GCNF). It is my distinct pleasure to share with you how one organization, along with some loose change, can make a dramatic difference for those around the globe who are less fortunate.

April is Global Child Nutrition Month and to celebrate, the School Nutrition Association, in conjunction with the Global Child Nutrition Foundation is collecting funds to ''Change the World''. SNA and GCNF encourage school nutrition professionals to take a day, a week, or the whole month to partner with students and teachers in raising funds to fight global hunger. Through the Change Our World campaign, the funds raised will be used to support GCNF and other local and international hunger organizations. Hundreds of school districts nationwide are participating this month.

For the second year during Global Child Nutrition Month, the annual Change Our World fundraising campaign continues its mission to raise awareness about global hunger. Last year, Change Our World raised $110,000 for GCNF. I am hopeful that this year's campaign will exceed last year's efforts.

The Global Child Nutrition Foundation was created in 2006 with the mission of expanding opportunities for the world's children to receive adequate nutrition for learning and achieving their potential. I visited the GCNF Web site to learn more about its work and was delighted to see how just in a few years' time, one organization has done so much to make a difference. I would encourage all of my colleagues to visit the GCNF Web site at www.gcnf.org to learn more about its activities.

Additionally, I am delighted to report that the GCNF will hold its 2009 Global Child Nutrition Forum outside of Cape Town, South Africa, May 5–9, 2009. The Forum marks the beginning of a three-year technical assistance cycle to advance school feeding through sharing problem solving guidance and ongoing communication with country leaders from selected developing countries.

As we speak of these developing countries, we are reminded that nearly 300 million of the world's children are caught in the debilitating cycle of poverty and hunger. According to the World Food Programme, 170 million of these children attend school, but most do not receive meals there. Because a hungry child cannot learn, GCNF works to help nations build and sustain school feeding programs to nurture and educate children.

Madam Speaker, as someone who is committed to ending hunger once and for all, I thank and commend the School Nutrition Association and the Global Child Nutrition Foundation for recognizing April as Global Child Nutrition Month.

It is my hope that all of us can work together to be a part of the solution as we continue to raise awareness in eradicating hunger.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

The House in Committee of the Whole House on the State of the Union had under 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:

Mr. DINGELL. Mr. Chair, I rise today in strong support of H.R. 627, the ''Credit Cardholders' Bill of Rights Act of 2009,'' a bill of which I am a proud co-sponsor. My friend and colleague, Representative CAROLYN MALONEY, who is the bill's author, has been a tireless advocate for protecting consumers from the abuses of the credit card industry. This legislation will mandate meaningful reform on an industry that has been permitted to run wild for far too long.

We hear daily of countless Americans, who are struggling to pay their bills. Compounding this lamentable state of affairs is the fact that workers in this country have suffered a decline in real wages over the past decade. As a result of being stretched to their financial breaking point, many families have had to resort to using credit cards to pay for unforeseen costs, such as car repairs or emergency room bills. Far too often, these families are subjected to arbitrary rate increases and also forced to pay iniquitous late fees.

H.R. 627 will help put an end to these shameful practices and require credit card companies to treat consumers fairly. Importantly, this legislation will restrict the practice known as ''universal default,'' wherein a credit card company uses information about a cardholder's financial status, such a change in his or her credit rating, to raise the cardholder's interest rate, even if the cardholder has not defaulted on payments or made them late. Moreover, H.R. 627 will also ban what is known as ''double cycle billing,'' which is the collection of interest on amounts already paid by consumers to credit card companies.

In this time of severe recession, I feel it imperative that consumers be afforded fair protection from unfair credit card industry practices. I urge my colleagues to vote in favor of this common-sense legislation, which will help stem the tide of unscrupulous and predatory lending that has brought our nation to an economic precipice of gargantuan proportions.

NGAN NGUYEN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Ngan Nguyen who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Ngan Nguyen is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Ngan Nguyen is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Ngan Nguyen for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

DORI SLOSBERG AND KATIE MARCHETTI SAFETY BELT LAW

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. WEXLER. Madam Speaker, I would like to take a moment to recognize the Florida Legislature for passing the Dori Slosberg and Katie Marchetti Safety Belt Law yesterday, a law giving police the power to stop motorists for not wearing seat belts. I believe this law is a great step forward in the effort to reduce the numbers of tragic deaths and injuries throughout Florida and should serve as an example for other state governments to follow in ensuring all Americans are safer on our roads.

This measure was long championed by Irv Slosberg, a former state representative from Boca Raton whose 14-year-old daughter, Dori, was killed in a 1996 car crash on Palmetto Park Road. This accident claimed the lives of five teens and left four others, including Dori's twin sister, with serious injuries. It is unfortunate that such a tragedy needed to occur for people in our community to take notice of the need to amend the law to ensure people are wearing their seat belts, but Irv Slosberg deserves a tremendous amount of praise for his dedication to ensuring other families do not suffer from such a tragedy.

Along with his efforts in the Florida State House to introduce this bill, Irv Slosberg also introduced the Dori Slosberg Driver Education Safety Act, which became law in Florida in 2002 and allows Florida counties to fund driver education programs by adding a surcharge to traffic tickets. In addition, recognizing that teen traffic crashes are the number one cause of death in Florida, Irv Slosberg also founded the Dori Slosberg Foundation, with a mission statement to educate the public about the importance of traffic safety; promote the usage of safe driving habits, especially seat belt compliance and proper child restraint devices; support and advance driver's education programs nationwide; assist the Florida Department of Transportation to ensure a safe driving environment on our roadways; and distribute tools to both teens and seniors to help them drive safely. These initiatives, along with his personal dedication to the issue of road safety, have no doubt saved and will continue to save countless lives in our community.

As a co-chairman of the Congressional Caucus on Global Road Safety, I understand the impact road crashes have on the global community, and while we must continue to work to establish protocols with nations around the world to reduce the number of road deaths and injuries globally, we must also set an example here in the United States by passing laws to ensure safety belts, which have been credited with saving countless lives since they were made standard in U.S. automobiles in 1968, are being used by all who get behind the wheel, especially our children.

I want to once again congratulate the Florida Legislature for passing this bill, and I look forward to Governor Charlie Crist's signing this into law in the near future. I also want to once again extend my appreciation for Irv Slosberg's efforts, both while he served in the Florida Legislature and as a member of the South Florida community, to ensure our loved ones remain safe on the roads.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Ms. MCCOLLUM. Mr. Speaker, I rise in strong support of the Local Law Enforcement Hate Crimes Prevention Act (H.R. 1913). This bill makes a profound statement that this country will not tolerate violence motivated by bigotry and ignorance against its citizens. I commend Chairman CONYERS for bringing this legislation to the floor.

The message of this bill is clear: the United States will not tolerate hate crimes. These crimes are unlike other violent acts of randomness. Targeting people because of their race, religion, ethnicity, sexual orientation, gender or disability is a form of domestic terrorism. Such violent crimes send a chilling message to entire communities that they are not welcome and that intolerance and ignorance is alive and well.

Since 1991, the FBI has received more than 118,000 reports of hate crimes and we know that crimes of this nature are frequently underreported. Current federal law covers crimes committed based on a person's race, color, religion, or national origin. H.R. 1913 extends federal protection to include hate crimes committed because of a person's gender, sexual orientation, gender identity, or disability. This bill allows the federal government to provide needed federal resources to state and local law enforcement officials to prosecute hate crimes and also authorizes grants to law enforcement agencies that have incurred expenses investigating and prosecuting hate crime cases.

Some opponents of H.R. 1913 have suggested that this bill legislates against thoughts and ideas. This is absolutely false. H.R. 1913 provides local authorities more effective means to prosecute violent acts of hate, not thoughts or speech. In fact, this bill explicitly includes First Amendment free speech protections for persons accused of acts of hate.

My first vote as a member of the Minnesota House of Representatives was for equal rights on housing and employment for the gay, lesbian, bisexual and transgendered (GLBT) community. As a Member of Congress, I have now voted for similar federal four times. The Local Law Enforcement Hate Crimes Prevention Act must become law so that all Americans can fully participate in and enjoy the rights of a democratic society.

I urge my colleagues to support this legislation.

RESTORING THE PARTNERSHIP FOR COUNTY HEALTH CARE COSTS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a bill to address two matters that are critically important to the future of this country: health care and the health of our local economies.

In almost all states, an inmate in a county jail or juvenile detention facility loses their Medicare, Medicaid, SCHIP or SSI benefits during their incarceration—even if they have not been convicted of a crime. The United States leads the world in the number of people who are incarcerated and federal law requires government entities to provide medical services to all inmates. High incarceration rates, chronic conditions, substance abuse treatment, mental illness, and aging prison populations have contributed to the rise in health care costs for inmates.

Madam Speaker, providing health care for inmates constitutes a major portion of local jail operating costs. Nearly two thirds of all jail inmates are awaiting court action or have not been convicted of the crime they have been charged with. Over half of jail inmates who receive financial support from government agencies prior to their arrest have physical and/or mental health problems. Requiring county governments to cover health care costs for inmates who have not been convicted. This places an unnecessary burden on local governments, which have been negatively impacted by recession, widespread budget deficits, and cuts to safety-net programs and other essential services.

Stripping inmates of Medicare, Medicaid, SCHIP and SSI benefits also violates the presumption of innocence which is at the heart of our criminal justice system. The failure to distinguish between persons who are awaiting disposition of charges and persons who have been duly convicted goes against the foundational tenets of our justice system.

Disadvantaged populations are further harmed by this situation. Low-income and minority populations are often unable to post bond, which would allow them to continue to receive benefits from the federal government. The facts are clear and all too familiar. Black men are three times more likely than Hispanics and five times more likely than whites to be in jail. Black women are more than twice

as likely as Hispanic females and over 3.5 times more likely than white females to have been incarcerated.

Madam Speaker, this issue hits close to home. Florida's local economy has been devastated. Further, Florida has one of the highest levels of uninsured persons in the nation, and the majority of these people reside in South Florida. Passage of this bill will rectify this inequality by restoring the partnership between federal and local governments.

The bipartisan Restoring the Partnership for County Health Care Costs Act of 2009 ensures that the federal and local governments share in these health care costs, and that no side is unnecessarily burdened with financing medical services.

I urge you to join Representative BURGESS, Representative HOLT and myself in supporting a bill that is designed to provide relief to local county budgets and defend those values which are at the core of our nation's criminal justice system.

RAE LANIEL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rae Laniel who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rae Laniel is a 7th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rae Laniel is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rae Laniel for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

CLIMATE CHANGE SAFEGUARDS FOR NATURAL RESOURCES CONSERVATION ACT

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. DICKS. Madam Speaker, as the chairman of the Interior Appropriations Subcommittee and someone who is very concerned about the need to safeguard wildlife and ecosystems from the threat of global warming and ocean acidification, I wish to express my strong support for the "Climate Change Safeguards for Natural Resources Conservation Act," legislation introduced today by Representative RAÚL GRIJALVA. I believe that the policy provisions in this legislation, coupled with a dedicated funding stream for wildlife and natural resources derived from a portion of the Federal revenues from expected cap-and-trade legislation, will provide the policy response necessary to tackle this significant challenge.

I am very much aware of the need to take action to address global warming, and I have held hearings in the Interior Subcommittee to examine the impact of climate change on many of the agencies and resources under my subcommittee's jurisdiction. I have consistently stated my belief that climate change is the emerging issue of our time. Climate change may alter the face of our planet in ways we cannot yet fully comprehend, and I believe it is our responsibility not only to do as much as possible to halt or slow it, but also to do everything in our power to protect the earth's resources from its impacts so that future generations will be able to benefit from them as we and past generations have done.

Our Nation's wildlife is one critically important resource that is particularly vulnerable to climate change and is also a resource that is a fundamental part of America's history and character. Conservation of wildlife and wildlife habitat is a core value shared by all Americans.

America's wildlife is vital to our Nation for many reasons. Wildlife conservation provides economic, social, educational, recreational, emotional, and spiritual benefits. The economic value of the outdoor recreation industry alone is estimated to contribute $730 billion annually to the U.S. economy. Wildlife habitat, including forests, grasslands, riparian lands, wetlands, rivers and other water bodies, is an essential component of the American landscape, and is protected and valued by Federal, State, and local governments, tribes, private landowners, and conservation organizations.

Ocean acidification is a subject not often discussed but which poses a grave threat to our waterways and ultimately to our food chain. The oceans absorb approximately 30 percent of the carbon dioxide (CO_2) released into the atmosphere and they have played an important role in reducing the greenhouse gas levels in the atmosphere and mitigating some of the impacts of climate change. However, recent discoveries clearly indicate that marine fish and wildlife are highly susceptible to increases in CO_2 and the impact it has on water quality. Higher acidity affects the ability of marine life such as shellfish, lobsters and corals to build their skeletons and shells. Many of the affected organisms are important sources in the food chain for fish and other higher marine organisms. Fishing and related industries play a tremendous role in Washington State's economy, as well as other coastal communities.

Unfortunately, it is becoming increasingly apparent that the effect of climate change on wildlife will be profound. The Intergovernmental Panel on Climate Change reports have made clear that global warming is occurring, that it is exacerbated by human activity, and that it will have devastating impacts on wildlife and wildlife habitat.

Global warming is already impacting all of us: threatening the water we drink, the air we breathe, the medicines we use, the food we eat, the forests and fisheries we depend on, the special places we take our children. Wildlife is already suffering from massive changes in habitat, particularly in the arctic, and shifts in ranges and timing of migration and breeding cycles. Continued global warming could lead to large-scale species extinctions. These impacts add to and compound the adverse effects wildlife and its habitat already suffer from land development, energy development, road construction, and other human activities, and from other threats such as invasive species and disease.

According to the IPCC, global warming and associated sea level rise will continue for centuries due to the timescales associated with climate processes and feedbacks, even if greenhouse gas concentrations are stabilized now or in the very near future. I believe that, as a nation, we must craft responses and mechanisms now to help navigate the threats global warming poses to the natural resources that we all depend upon for survival.

To conserve natural resources and wildlife in the face of the far-reaching effects of global warming, there is a need for a coordinated, national strategy based on sound scientific information to ensure that impacts on wildlife that span government jurisdictions are effectively addressed and to ensure that Federal funds are prudently committed. Ensuring strategic and efficient allocation of funding is something of particular interest to me as an appropriator.

Because of these needs, I have co-sponsored the "Climate Change Safeguards for Natural Resources Conservation Act." This legislation has been developed by the Natural Resources Committee and lays out the strong policy framework necessary to ensure our Nation is using all possible means to help safeguard America's natural resources and wildlife from the harmful impacts of global warming.

I have also acted in my capacity on the House Appropriations Committee to support actions address the climate change impacts in the near term. In 2007, I worked to establish the Global Warming and Wildlife Science center at the U.S. Geological Survey to enhance the science capacity of Federal land management and wildlife agencies. In addition, the recent FY09 omnibus appropriations provided direction from my Subcommittee to the Department of the Interior to develop a national strategy to address global warming's impacts on fish, wildlife, and natural resources. Last Congress, I also introduced "The Global Warming Wildlife Survival Act" whose central principles are represented in the Natural Resources Committee bill that I am proud to cosponsor today.

This bill will help ensure that the pressing needs that are faced by the agencies and programs under the Interior and Environment appropriations subcommittee to help wildlife and wildlife habitat are addressed strategically, based on a foundation of sound scientific information, and that funding is driven through proven programs at the Federal, State and tribal levels in the most efficient way possible.

I also have one additional but very significant point to make about funding to address impacts to natural resources and wildlife from global warming. It is essential that actions to safeguard wildlife and the natural resources will all depend upon dedicated funding. Adequately addressing the greatest conservation challenge of our time will require long-term investments of the magnitude that only the revenue stream created by comprehensive climate and energy legislation can provide. I am working to ensure that 5 percent of the allowance value created by this legislation is dedicated to protect natural resources from global

warming. As I have indicated, the impacts are occurring today and the need is urgent. Paying for these investments through climate revenues takes the burden of protecting these resources off taxpaying citizens and onto the polluting entities responsible for causing global warming pollution.

The Interior and Environment Apppropriations Subcommittee allocation is woefully stressed just dealing with the current needs of the agencies and programs under its jurisdiction. Our Federal land management agencies have tremendous backlogs for operations and maintenance of our national wildlife refuges, parks, forests and other public lands. This situation was greatly exacerbated under the Bush Administration budgets and prior Congresses. Hundreds of important biologist positions have been cut, and the agencies' budgets are far below what they have needed just to keep up with inflation. These programs have been starved to the point where they are on life support. It became apparent in hearings the subcommittee has held on global warming that the land management agencies are already seeing the results of climate change on the ground, but that they have few, if any, resources to deal with these changes. With the effects of global warming only expected to increase in severity in the coming years, I believe it is crucial to infuse dedicated new funding into our efforts to address this crisis, and I will work to make this happen.

This is a great Nation with a unique and irreplaceable natural heritage. We must take steps now to protect our wonderful wildlife from the ravages of climate change. In this regard, I am pleased to be a cosponsor of the "Climate Change Safeguards for Natural Resources Conservation Act."

RECOGNIZING THE CANYON DEL ORO HIGH SCHOOL ACADEMIC DECATHLON TEAM

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to recognize the Canyon Del Oro High School Academic Decathlon Team who recently won first place in the Arizona state competition and placed fourth in the United States Academic Decathlon.

These smart, industrious young men and women have set a wonderful example for every public school student in our country. Their achievements remind us that excellence is the direct result of determination, hard work and clearly defined goals. The nine-member team includes: Taylor Cleland, Marie Clymer, Benjamin Ferell, Melinda Fraser, Jordan Kurker-Mraz, Rush Moore, Dylan Ousley, Danielle "Ellie" Strasser, and Jennifer Wendel.

Guiding these talented young people was their able coach and teacher, Mr. Chris Yetman.

Before traveling to Memphis, Tennessee for the national competition, the Canyon Del Oro High School Academic Decathlon Team participated in the state competition in Phoenix. There, they took written exams, gave prepared and impromptu speeches and were interviewed on a diverse range of subjects. They were tested on their knowledge of mathematics, music, literature, economics, art history and social sciences. To be successful, each team must include students who have mastery in each of these subject areas.

It was a great source of pride for all Southern Arizonans when the Canyon Del Oro High School Academic Decathlon Team defeated their closest competitor by 3,000 points in the state competition. This victory paved their way to Memphis, Tennessee and their prestigious fourth place finish nationally.

Students on the team also won individual awards. Taylor Cleland finished with the bronze medal in art, the bronze in math and the silver in social science. Melinda Fraser finished with the silver in art. Benjamin Ferell finished with the top score on the team and was awarded the bronze in art, the bronze in literature, the gold in math and the bronze in ten events. Jordan Kurker-Mraz finished with the gold in art, the gold in essay, the silver in social science, the silver in the super quiz, and the bronze in ten events. Rush Moore finished with the silver in social science, and Jennifer Wendel finished with the gold medal in interview. Additionally, Benjamin Ferell received $1,000 in scholarships and Jordan Kurker-Mraz received $3,000 in scholarships.

I commend the Canyon Del Oro High School Academic Decathlon Team for their outstanding accomplishments. Their journey to these academic heights has brought local, state and national recognition to each of them and their school. Their achievements are an inspiration to us all.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

SPEECH OF

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

The House in Committee of the Whole House on the State of the Union had under 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:

Mr. MEEK of Florida. Mr. Chair, I rise today in support of H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009, but am frustrated by the delay in implementation that the bill allows. This legislation works to protect consumers from unfair credit lending practices, helping to restore the much needed balance between consumers and credit lenders, but fails to do so quickly. I support my colleagues in the Senate and the speedy effective date which their companion bill contains.

In these tough economic times, more individuals and businesses are turning to credit cards to pay for basic necessities than ever before. In the U.S. credit card debt has reached nearly $1 trillion, with the average American's credit card debt reaching nearly $10,000 in 2007.

While Americans are struggling to make ends meet and making decisions about which bills to pay and which medications and other necessities they can go without, credit card issuers are making record profits; over $19 billion in late fees, over-limit charges and other penalties.

Consumers desperately need legislation that will protect them from arbitrary interest rate hikes, over-limit fees, and other unfair charges so they can protect their hard-earned money. Many consumers are unaware that they are being charged penalty pricing on their cards, and credit card issuers routinely fail to explicitly notify lenders when invoking penalty pricing and repricing accounts when payments are made even one day late.

Consumers deserve better than due date gimmicks, and misleading terms. We must ensure that consumers not only know when they are being charged penalty pricing, but are notified before they are charged, so that they can make responsible financial decisions.

Consumers should be financially empowered, not defenseless against the whims of credit card issuers. This bill works to do that by halting these unfair fee practices and allowing individuals to set their own credit limits, so they don't unwittingly accumulate debt they can't possibly get out of. It also protects those who do make their payments on time, preventing them from being charged interest on debts paid during the grace period.

Consumers are being hit on all sides, with unfair credit card fees, overdraft banking fees and rising costs of goods and services. We must work immediately to protect consumers as financial institutions look to them to make up money lost in the economic downturn. My only concern is that these changes must be implemented immediately. Few of our constituents can wait out the year's implementation time period in the bill. I strongly urge institutions that can, to do the right thing and implement these changes as soon as possible.

I will continue to work hard on my legislation to bring financial relief to millions of Americans through bank abuse protections, and other efforts Chairwoman Maloney makes to protect consumers and small businesses from unfair lending.

Although I believe this bill does not go far enough, fast enough to protect consumers, the Credit Cardholders' Bill of Rights Act of 2009 is an important step in the right direction and I urge its passage.

RIKKI DICKINSON

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Rikki Dickinson who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Rikki Dickinson is an 8th grader at St. Peter and Paul School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Rikki Dickinson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Rikki Dickinson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her

academic career to her future accomplishments.

HONORING THE LIFE OF MATTHEW SCHNIREL

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. HIGGINS. Madam Speaker, I rise today to honor the life of Matthew Schnirel, a lifelong member of the Buffalo, NY community. He died tragically when the single engine plane he was riding in crashed just east of Cleveland, OH the afternoon of April 28, 2009. Schnirel was helping Michael Doran, his associate at the Doran and Murphy Law firm and pilot of the plane, with his ongoing fight for the railroad workers of Ohio. The two were on their way back to Buffalo.

Making Matthew's death all the more heartrending was the fact that the 26 year old was just starting his life and career. He returned from earning an undergraduate degree in history at the University at Albany to graduate from the University at Buffalo Law School in 2008. Matthew passed the Bar Exam in January 2009 when he began work as an attorney at Doran & Murphy. He and his longtime girlfriend, Lauren, recently purchased a home in a Buffalo suburb, where he is missed by parents, brother and two sisters.

Matthew's parents, a salesman and an emergency room nurse, taught him the values of hard work and helping others and he hoped to put those values to use as a civil litigator to help those injured or wronged by the carelessness of others. An avid competitor in nationwide trial competitions Schnirel was described as a ''superstar in the making'' by Christopher Murphy, a partner at the law firm where he worked. His life and spirit will be remembered by his family and friends for his hard work ethic and contribution to his community.

Madam Speaker, I offer my deepest condolences to Matthew's family, his girlfriend, Lauren, and all those whose lives he touched. Our community grieves the loss of this young and promising life.

HONORING SONIA LEROIA RUSSELL

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise in honor of Sonia LeRoia Russell for her contributions to both society and the arts. Through her poetry, Ms. Russell has impacted the lives of many, both locally in New York and throughout our nation. Her recent work commemorating the election of President Obama has been widely cited and read. For these reasons and many others, I believe that Ms. Russell is deserving of recognition.

An esteemed author, poet and publisher, Ms. Russell has enriched the community within which she lives through her sustained contributions to society. Through these numerous contributions, Ms. Russell is proud to both represent and actively participate in the large, influential and diverse African American community in New York and beyond. In addition to her successful poetic, publishing and writing ventures, Ms. Russell gives back to her community in various other fashions. Formerly, Ms. Russell held the presidency of the first poetry ministry with the Holy Unity Baptist Church located in Queens, NY. In keeping with that trend, Ms. Russell is currently ministering poetry at the Living Water Church in Harlem, NY. Writing and orating for special events, Ms. Russell lends her strong, poetic voice to her community. In addition, Ms. Russell is also a member of the Music & Fine Arts Ministry where she writes and sings songs for the choir. Further, Ms. Russell also writes poetry for important community events, such as weddings and anniversaries. Ms. Russell's recent work commemorating the Presidency of Barack Obama and the African American struggle for civil rights and equality has been well received and further exemplifies her continued efforts at serving her community in lending her important voice to contemporary issues.

Our country, built on the premises of equality, freedom of speech, and a vocal citizenry, needs talented individuals like Ms. Russell in order to fulfill these founding principles. In addition, the arts, in general, play a vital role in our society, enriching our communities and inspiring our youth to confront their future circumstances in creative and innovation ways. For her efforts in both vocalizing the experiences of her community and county and in stimulating the arts, I am thankful to Ms. Russell.

The work of Ms. Russell is inspiring, and I am grateful to her for all that she has accomplished. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for her contributions to society.

The following is the aforementioned poem authored by Ms. Russell entitled ''Inauguration Poem for President Barack Obama'':

INAUGURATION POEM FOR PRESIDENT BARACK OBAMA

I laid my head down and sleep stole my thoughts
And I drifted like a disembodied soul
I began to see figures moving slowly in my haze
And I heard a familiar refrain remind me of my role
softly—''It's been a long time coming''
So many before me who paved the way to today
Many lives who unknowingly touched mine
So many died before their work saw fruition
Many who stood on that freedom, faith, line
softly—''And I know change is gonna come''
''Not in vain,'' I hear them shouting, ''hold on fast.''
''It's not for skin that we are striving, but for equal eyes,
Equal tongue, equal ears, equal image, equal time!''
Now there's no more lamenting that we can't rise
softly—''There's been times that I thought I couldn't last for long''
I watched with suspicion many take up the cause
As we were beaten down, lifted up, then given our cross
I watched behind the fine lines of others sacrifice
As we were being defined by the way we handled loss
softly—''But now I think I'm able to carry on.''
Frederick Douglass was the first black man to aspire
He was on the ticket as vice President to Victoria Woodhull
Their 1872 Equal Rights Party did not make it to the top
But the ink was spilled and all felt the inevitable pull
softly—''It's been a long time coming''
And the people sang, ''Run Jesse run, keep hope alive,
Don't let Dr. Martin Luther King Jr. have died in vain!''
There are spiritually, mentally, and physically scarred folks
Who don't believe this country can look upon them without disdain
softly—''It's been a long time coming''
America watched a people stand tall against oppression
Strong men holding signs reminding doubters ''I am a man''
Then time convinced some that this was not the case
Until a new sign was held up that insisted, ''Yes we can!''
So as I rose up from my dream and allowed reality to sink in
I saw a man of African, and white American descent
Representing all people of America as a spiritual, patriot
On the values and principles that this country was meant
softly—''It's been a long time coming''
And I cried as I remembered the ghosts of my dream
Those who believed and had faith that change would occur
Those ghosts spanned the ages of time before Christ
And had more to do with prejudices and fear than mere color
softly—''It's been a long time coming''
Now let us pray that God lights and directs the path
Of the one whom we the people chose to lead us
Let us pray that the ghosts of the past will always remind him
And that Jesus will strengthen his resolve and his purpose
softly—''And I knew change was gonna come''
And it did, yes it did
God bless you and keep you President Barack Obama!

—Sonia ''LeRoia'' Russell.

INTRODUCTION OF THE ''AFGHAN WOMEN EMPOWERMENT ACT OF 2009''

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mrs. MALONEY. Madam Speaker, today, along with Representative TAMMY BALDWIN (D–WI), I am reintroducing the ''Afghan Women Empowerment Act of 2009.'' This legislation would authorize $115 million each year from FY2010 through FY2012 for programs in Afghanistan that benefit women and girls as well as the Afghanistan Independent Human Rights Commission and the Afghan Ministry of Women's Affairs. The funding would be directed toward important needs including medical care, education, vocational training, legal assistance, protection against trafficking, and civil

participation. Senator BOXER has introduced similar legislation, S. 229, in the Senate.

Although women are guaranteed equal rights in the Afghan constitution, they continue to face challenges including intimidation, discrimination, targeted violence, and efforts to restrict their legal rights. In March the parliament of Afghanistan approved the Shi'ite Personal Status Law which was signed by President Karzai. According to the United Nations, one provision of the law would have the effect of legalizing marital rape by mandating that a wife cannot refuse sex to her husband unless she is ill. In addition, the law would forbid women from working or receiving education without their husbands' permission; restrict their ability to leave the house without a male relative; and aims to strip women of their rights as mothers by granting child custody only to men. President Karzai has ordered that the law be reviewed, and has said that changes will be made to any articles which contradict Afghanistan's Constitution and Islamic Sharia. I believe that the United States has an obligation to ensure that women and girls have the opportunities that they were denied under the Taliban. It is imperative that we provide the support needed to ensure that the rights of women are protected in the new Afghanistan.

PUGET SOUND ENERGY

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. REICHERT. Madam Speaker, I rise today in recognition of the wonderful work being done by Puget Sound Energy. Located in Bellevue, Washington, they continue to reduce greenhouse gas emissions and promote energy efficiency through investment and smart ideas. I'm proud to represent this company in Congress.

In late March, the Environmental Protection Agency, EPA, named Puget Sound Energy one of 89 ''Energy Star'' organizations across the country. Through its Residential New Construction ''Energy Star'' Lighting Program, Puget Sound Energy is working to increase demand for qualified lighting products in new, single-family homes. Beginning in 2008, they doubled investment in partner outreach as part of an ongoing regional fixture program. Serving as the facilitator, 16,000 Energy Star fixtures and 39,000 Energy Star CFLs were installed in new homes, representing a 100 percent increase in energy savings from 2007.

The work Puget Sound Energy is doing in Washington State is not only beneficial to our environment; it is also beneficial to the economy. Customers can take advantage of energy rebates for improving efficiency in their homes through the installation of new windows, doors and improved insulation, among other many other things. In 2008 alone, Puget Sound Energy customers collectively saved $30 million on energy bills and helped support more than 450 new ''green'' jobs.

Utilizing green technology and improvements positively impacts our environment, our communities and—especially important during these tough days—our economy. The work Puget Sound Energy is doing in Washington is exactly the type of forward-thinking, reasonable work that businesses and individual Americans should strive for, and I congratulate them on their new classification as a leader in energy-efficient technologies.

HONORING AND CELEBRATING THE LIFE OF MICHAEL H. DORAN

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. HIGGINS. Madam Speaker, I rise today to honor an outstanding citizen of Buffalo and Western New York and a dear friend who will be deeply missed, Michael H. Doran. Mike Doran, a well-known attorney in Buffalo and the devoted father of two children, was tragically killed in a plane accident on Tuesday, April 30, 2009. This is a devastating loss to his family and friends, and to our community.

A Buffalo native and alum of the University at Buffalo and the University of Buffalo School of Law, Mike would have celebrated his fifteen year anniversary with his law practice, Doran & Murphy, with his law partner, Christopher Murphy, this Saturday. Mike was on his way home from working on a case in Cleveland to attend his daughter's school function when his single-engine plane crashed. Those who witnessed the crash say Mike steered the failing plane away from a nearby neighborhood and are calling him a hero.

For over 25 years, Mike has represented those afflicted with serious injury and occupational disease, as well as wrongful death cases. He was most recently working with Roswell Park Cancer Institute in promoting a program designed to help detect lung cancer in high risk patients. The early detection program was proven effective in prolonging life and curing lung cancers.

Mike was deeply loved by his family, friends and the community. He was very involved in numerous organizations including the board of directors of the Western New York Leukemia Society, the University of Buffalo Center for Children and Families, and was an active volunteer with the University of Buffalo Law School Alumni Association. Michael was an FAA certified pilot, an avid extreme skier, and was the 2008 champion of the Buffalo Croquet and Debating Club.

Madam Speaker, I offer my deepest condolences to Mike's family. My thoughts are with them, and I share their grief of this wonderful man I am honored to have called a dear friend. His loss is felt by the many lives he touched in this community.

IN REMEMBRANCE OF THE 34TH ANNIVERSARY OF THE FALL OF SAIGON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in remembrance and recognition of the 34th anniversary of the fall of Saigon. This historical date commemorates the end of the Vietnam War, and represents the beginning of a new life for tens of thousands of Vietnamese people, as they began their hopeful journey to America. Thirty-four years later, I rise to honor the memory and the sacrifice of the hundreds of thousands of South Vietnamese soldiers, American soldiers and civilians who lost their lives during this time.

After the fall of Saigon, thousands of Vietnamese began a treacherous exodus out of Vietnam, determined to rebuild their lives. Their daring escape was by boat and on foot, through thick jungles, over jagged mountains, through snake-infested rivers and across turbulent seas. They became refugees in many nations, including America, with nothing more than the clothes on their backs and the hope for freedom in their hearts.

Madam Speaker and colleagues, please join me in honor and remembrance of the hundreds of thousands of men and women who struggled for peace and freedom. I also rise in honor of local agencies and churches such as The Vietnamese Community of Greater Cleveland and the St. Helena Catholic Church, which offer havens of support, services and hope to immigrants from all over the world. The Vietnamese culture, through the care and commitment of its people, has flourished in Cleveland and across America, while remaining connected to its ancient cultural and historical traditions.

JACKSON CAMERON OTTO MAKES HIS MARK ON THE WORLD

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. ETHERIDGE. Madam Speaker, I rise today to congratulate my daughter Catherine and her husband Tim Otto on the birth of their third child and my sixth grandchild, Jackson Cameron Otto. Jackson was born on Sunday, April 26, 2009, at 2:42 a.m. and weighed 7 pounds and 14 ounces, and was 21.25 inches long. My wife Faye and I are delighted to welcome Jackson as he joins our five other grandchildren, William, Virginia, Cameron, Walker, and Andrew. Faye and I wish Catherine and Tim and big brothers William and Andrew great happiness upon this new addition to our family.

Faye and I are truly blessed by the arrival of little Jackson Cameron Otto. The birth of a new child is a joyous occasion that reminds us of the promise of a new life. Children remind us of the incredible miracle of life, and they keep us young-at-heart. Every day they show us a new way to view the world.

My family and I are looking forward to spending a lot of time with our new bundle of joy and introducing him to all of our friends and neighbors in North Carolina's Second Congressional District.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. LANGEVIN. Mr. Speaker, I rise to declare my strong support for H.R. 1913, the

Local Law Enforcement Hate Crimes Prevention Act, and to urge its swift passage in the House of Representatives.

This important legislation would expand the federal definition of hate-motivated crimes to include gender, sexual orientation, disability and gender identity. Violence provoked by prejudice has no place in our society. It jeopardizes not only the safety of the victims but also their friends and neighbors, and upsets public order by making people feel threatened in their communities.

For example, persons with disabilities are often vulnerable to criminal hateful acts because they may seem different or use unfamiliar assistive technologies. Thirty-one states and the District of Columbia, including my home state of Rhode Island, already recognize and prosecute these cases as hate crimes. However, there is still no uniform recognition on the national level that a disability could make a person uniquely susceptible to prejudice. Equally troubling is that Rhode Island law enforcement officials reported that nearly 50 percent of hate crime victims were targeted because of their sexual orientation. Yet even as so many Americans joined together to mourn the loss of Matthew Shepard last October, on the tenth anniversary of his brutal murder, hate-motivated crimes still go unrecognized under federal statute.

H.R. 1913 has the practical purpose of authorizing training and grants for local law enforcement officials to facilitate prevention, investigation and prosecution of hate crimes. However, the passing of this bill today is equally as important as the civil rights legislation that was enacted several decades ago, which enforced the principle that our country does not accept targeting any American for violence or discrimination based on hatred. I urge my colleagues to join me in fighting bigotry that threatens our communities by voting for the Local Law Enforcement Hate Crimes Prevention Act.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

SPEECH OF

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

The House in Committee of the Whole House on the State of the Union had under 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:

Mr. LEWIS of Georgia. Mr. Chair, for too long now, credit card companies have toyed with the lives and financial health of the American people. For far too long, credit card companies have seemed to offer hard-working Americans a lifeline, but that lifeline is really an endless web of debt.

Cardholders are surprised by huge hidden fees that are buried in the fine print.

Credit card companies aggressively prey on our young college students who are not yet working. These companies rove college campuses and entice students with gifts, with the intent of collecting interest payments as the student ravels herself in debt.

We are in the midst of a horrible recession. Millions of Americans are without work, trying to keep their homes, feed their families, and stay healthy, because a trip to the doctor could be the straw that breaks the camel's back. But credit card companies remain cold, chasing the almighty dollar.

Many people have a hard enough time just paying monthly interest charges, yet these companies add on additional fees and increase interest rates by 10 and 20 percent—all without notice.

The truth is they do not want consumers to pay off their balances. It is much more profitable to feast on the interest.

We must put an end to this. We can no longer allow these unjust practices to continue. We cannot allow this industry to continue to profit on the hardship of Americans who use their services.

IN RECOGNITION OF THE ''WAYSIDE SHRINE AND CROSS CRAFTING IN LITHUANIA'' EXHIBIT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the Folk Art exhibit of ''Wayside shrine and cross crafting in Lithuania'' on the occasion of Lithuania's Millennium being celebrated this year.

Cross crafting in Lithuania has a rich 400 year old history and was inscribed into the United Nations Educational, Scientific and Cultural Organization World Heritage List of Masterpieces of Oral and Intangible Heritage of Humanity in 2001. The exhibit ''Wayside shrine and cross crafting in Lithuania,'' displayed at the Embassy of Lithuania in Washington, DC features beautifully crafted crosses and shrines which are traditionally built to recognize special occasions and significant events for individuals, families or communities. These crosses can be found throughout Lithuania in churchyards, roadsides, villages and even government buildings, and typically feature the Virgin Mary and various saints. The craft of cross making is one that has been passed down through generations since the 16th century and serves as a symbol of Lithuania's rich cultural and historical history.

Madam Speaker and colleagues, please join me in honor and recognition of Lithuania's rich history and the cultural significance of cross crafting as featured in the ''Wayside shrine and cross crafting in Lithuania'' exhibit.

PERSONAL EXPLANATION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. POMEROY. Madam Speaker, on March 23, 2009, March 24, 2009, March 30, 2009, March 31, 2009, and April 21, 2009, I missed rollcall votes Nos. 145–149, 157–168 and 193–195 due to flooding in my State of North Dakota. Had I been present, I would have voted in the following manner: Rollcall No. 145, ''aye''; rollcall No. 146, ''aye''; rollcall No. 147, ''aye''; rollcall No. 148, ''aye''; rollcall No. 149, ''aye''; rollcall No. 157, ''aye''; rollcall No. 158, ''aye''; rollcall No. 159, ''aye''; rollcall No. 160, ''aye''; rollcall No. 161, ''nay''; rollcall No. 162, ''aye''; rollcall No. 163, ''aye''; rollcall No. 164, ''aye''; rollcall No. 165, ''aye''; rollcall No. 166, ''aye''; rollcall No. 167, ''aye''; rollcall No. 193, ''aye''; rollcall No. 194, ''aye''; and rollcall No. 195, ''aye.''

INTRODUCTION ON IRAN REFINED PETROLEUM SANCTIONS ACT

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. BERMAN. Madam Speaker, our nation has a vital national security interest in ensuring that Iran does not possess nuclear arms or achieve the means to produce them on short notice. My bill, the Iran Refined Petroleum Sanctions Act (IRPSA), is designed to help prevent Iran from developing a nuclear weapons capability.

This legislation requires that any foreign entity that sells refined petroleum to Iran—or otherwise enhances Iran's ability to import refined petroleum through, for example, financing, brokering, underwriting, or providing ships for such activity—will be effectively barred from doing business in the United States. The same would be true for any entity that provides goods or services that enhance Iran's ability to maintain or expand its domestic production of refined petroleum.

Because of its limited refining capacity, Iran is forced to import roughly one-quarter of the gasoline and other refined petroleum products it consumes from other countries. Without this outside help, much of the Iranian economy would grind to a halt. It seems hard to believe that one of the world's leading oil exporters could find itself in this position, but it is reality—one that can only be attributed to shockingly poor planning and administration by the Iranian regime.

I and the other co-sponsors of this bill therefore believe that this measure could have a powerfully negative impact on the Iranian economy, rendering it more difficult for the Iranian government to continue to fund a nuclear program that the international community has repeatedly called upon it to suspend. Our goal, of course, is not to punish the Iranian people, but to maximize the chances that we can persuade the Iranian government to accede to the will of the international community.

Let me be clear: I fully support the Administration's strategy of direct diplomatic engagement with Iran, and I have no intention of moving this bill though the legislative process in the near future. In fact, I hope that Congress will never need to take any action on this legislation, for that would mean that Iran at last has complied with the repeatedly-expressed demand of the international community, as embodied in five separate U.N. Security Council resolutions, to verifiably suspend its uranium enrichment program and to end its pursuit of nuclear weapons once and for all.

The larger purpose of my bill is to demonstrate to one and all—but particularly to the Iranian regime—the importance that the U.S. Congress places on the Iranian nuclear issue.

I share President Obama's conviction that it is unacceptable for Iran to possess nuclear weapons and his determination to seek a diplomatic solution to this issue. However, should engagement with Iran not yield the desired results in a reasonable period of time, we will have no choice but to press forward with additional sanctions—such as those contained in IRPSA—that could truly cripple the Iranian economy. In that respect, I am pleased that Secretary of State Clinton has said that she is already intensively engaged with our allies and other key states in the international community for the purpose of, in her words, "laying the groundwork for the kind of very tough . . . sanctions that might be necessary in the event that our offers are either rejected or the process is inconclusive or unsuccessful."

This legislation is offered in that spirit.

HONORING TEXAS NURSES ASSOCIATION

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. CUELLAR. Madam Speaker:

Whereas, The nearly 2.9 million registered nurses in the United States comprise our nation's largest health care profession; and

Whereas, A renewed emphasis on primary and preventive health care will require the better utilization of all of our nation's registered nursing resources; and

Whereas, Texas Nurses Association has had a mission to advance nursing through leadership, advocacy and innovation; and

Whereas, Texas Nurses Association was founded on February 22, 1907 in Fort Worth, Texas with a group of 19 nurses as the Texas Graduate Nurses' Association and is the oldest professional nursing association in Texas; and

Whereas, Texas Nurses Association has advocated to improve the practice and perception of nursing and to ensure quality care for all Texans; and

Whereas, The demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

Whereas, Texas Nurses Association has been successful promoting the growth of the nursing practice by getting the Nursing Shortage Reduction Act of 2001 to increase nursing school enrollments; and

Whereas, That more qualified registered nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community; and

Whereas, Texas Nurses Association in 2007 celebrated 100 years of advocating for professional nursing in Texas; and

Whereas, Along with the American Nurses Association, the Texas Nurses Association has declared the week of May 6–12 as NATIONAL NURSES WEEK with the theme 'Nurses: Building a Healthy America' in celebration of the ways in which registered nurses strive to provide safe and high quality patient care and map out the way to improve our health care system; therefore

Be it hereby *Resolved*, That Congressman HENRY CUELLAR, in representing the 28th Congressional District of the State of Texas, honors the Texas Nurses Association.

IN REMEMBRANCE OF CORPORAL BRAD A. DAVIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of United States Army Corporal Brad A. Davis, who dedicated himself to serving our country, his community and his family as he courageously and selflessly rose to the call of duty.

Corporal Davis grew up in Garfield Heights, Ohio and graduated from Garfield Heights High School. Shortly thereafter, in 2006, he enlisted in the Army, and served our country in two tours of duty in Iraq. He served in F Company, 2nd Battalion, 505th Parachute Infantry Regiment, 3rd Brigade Combat Team of the 82nd Airborne Division.

Throughout his tenure in the Army, Corporal Davis consistently reflected bravery, commitment and compassion, and he often and easily offered his assistance to anyone in need, without regard to his own sacrifice. Corporal Davis risked his own safety to assist his fellow soldiers and was awarded the Purple Heart Medal of Honor by President Barack Obama. He was also awarded the Bronze Star Medal and the Good Conduct Medal by the Secretary of the U.S. Army.

Corporal Davis was an exceptional and courageous United States soldier, and an equally exceptional human being. His young life was framed by commitment to family, service to country, loyalty to his brothers and sisters in uniform, and reflected an unbridled love of life. Corporal Davis' family and friends were the center and foundation of his life. He was the youngest child of Terri and Bob Davis, and the youngest sibling of Jennifer, Robert and Rebecca. A kind young man with a generous and fun-loving heart, Corporal Davis loved being around family and friends and was always the one to bring people together, whether for a last-minute summer game of cornhole or an organized softball tournament.

Madam Speaker, and Colleagues, please join me in honor and remembrance of Corporal Brad A. Davis, whose heroic actions, commitment and bravery will be remembered always. I extend my deepest condolences to the family of Corporal Davis his beloved parents, Bob and Terri, his beloved sisters and brother—Jennifer, Rebecca and Robert; his beloved nephews, Landon and Lukas, and his extended family and friends. The significant sacrifice, service, courage that defined the life of Corporal Davis will be honored and remembered by throughout the Cleveland community.

30TH ANNIVERSARY OF TAIWAN RELATIONS ACT

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. GINGREY. Madam Speaker, on March 24, 2009, the House of Representatives passed H. Con. Res. 55—recognizing the 30th anniversary of the Taiwan Relations Act (TRA)—unanimously by voice vote. The Members of this House have spoken in one voice affirming the need to further deepen the relationship between the United States and Taiwan.

This anniversary is an important milestone and represents an incredible opportunity for us to further build upon and strengthen the U.S.-Taiwan relationship. On April 12, 2009, President MaYing-jeou in his address on the anniversary of the TRA declared "the TRA has come to symbolize the strong friendship and trust forged between America and Taiwan over these past decades" and the TRA has served as an anchor of "peace and stability."

In his address, President Ma laid out the historical and political significance of the TRA and the diplomatic path hewed by its enactment:

> The TRA was enacted in 1979 by the U.S. Congress to cope with the Taiwan situation after the U.S. had switched diplomatic recognition from Taipei to Beijing. It replaced the terribly inadequate arrangement of the Carter Administration, by keeping all aspects of the Taiwan-U.S. relationship intact except, of course, formal diplomatic ties, a mutual defense treaty and the stationing of American troops in Taiwan. One American commentator said in 1979 that while the U.S.-China Joint Communiqué establishing diplomatic relations derecognized Taiwan, the Taiwan Relations Act has re-recognized it. My Harvard professor Detlev Vagt said to me after the passing of the TRA that Taiwan is the most recognized unrecognized government of the U.S.
>
> In an imperfect world, the TRA, which largely accommodates Taiwan's needs for continuity, reality, security, legality and governmental status in the new Taiwan-U.S. relationship, is the second-best choice for Taiwan. Today the TRA is more than a convenient solution to a political dilemma. Its very existence changed the evolutionary course of cross-strait development by stabilizing the triangular relationship among Taiwan, the United States and mainland China.

President Ma also addressed the need to promote Taiwan's economic growth and to take the necessary steps to ensure Taiwan's rightful place in our global economy:

> We believe that rapprochement with mainland China will improve Taiwan's prospects for expanding our international space. Certainly, the international community will benefit significantly from this change, whether by capitalizing on the new business opportunities thereby made available or simply by no longer being caught in volatile cross-strait relations. For example, the establishment of the Three Links has made it logistically feasible and economically cost-effective to fly, ship or send mail across the Taiwan Strait.
>
> The establishment of direct cross-strait travel and transport provides an incentive for the international community to include Taiwan in regional economic arrangements in East Asia. In fact, right after we inaugurated the Three Links across the Taiwan Strait, Taiwan was able to join the Government Procurement Agreement last December, which we had been unable to participate in when we became a member of the World Trade Organization six years ago. This new development is good news to many potential foreign investors in the U.S., Japan and Europe.

The United States interest will always be in the defense of democracy and in honoring our

commitment to the protection of democratic institutions and peoples. President Ma also expressed his commitment to these same principles:

In fact, Taiwan has much to offer foreign investors. We are a country with a sophisticated legal infrastructure, a democratically open and stable political system and a viable and liberal economy.

We therefore want to end Taiwan's isolation from the world by putting our economic relations with the Chinese mainland on a more normal footing. At the same time, the more contentious political issues will be left on the back burner. We will put off political talks until after a firm foundation for economic, cultural and educational exchanges has been established and buttressed by reciprocal trust and confidence on both sides.

Strengthening the relationship between the United States and Taiwan is essential. This Congress must continue to remain firm in our commitment to Taiwan and meet our obligations under the TRA, as President Ma expressed:

Undoubtedly, the resilience of the TRA and the recent cross-strait détente have opened new opportunities for Taiwan, the U.S. and the mainland to pave a common path towards cooperation, instead of confrontation. This new equilibrium can result in a win-win-win situation for all sides. Obviously, America's role is pivotal. For peace negotiations to continue, the United States is well advised to not only reaffirm but also bolster its commitments under the TRA. The newfound rapprochement with the mainland only means we must with equal, if not greater, effort work to fortify U.S.-Taiwan relations on the basis of mutual trust. This I believe calls for an expansion of bilateral interaction especially at higher levels so as to always guarantee clear communication and better cooperation. Furthermore, a strong commitment in U.S. arms sales and support for expanding Taiwan's international space will enhance our position in face of a power imbalance now rapidly developing across the strait.

Therefore, we come here today not only to commemorate a historic point in cross-strait relations, but, more importantly, to celebrate the endurance of Taiwan-U.S. relations. The strength of the TRA is more vital and crucial at this critical juncture of development than ever before. U.S.-Taiwan relations, the stability of the status quo and even the entire region hangs in the balance. Therefore, I call on Taiwan and the United States to continue to honor the commitments that have bound their destinies together in common friendship and interest for the past three decades.

Madam Speaker, it is my express hope that as we move forward from this 30th Anniversary, the United States and Taiwan will continue to recognize the importance of our shared destinies and act accordingly for the preservation and promotion of our shared values.

LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act. I am a cosponsor of this legislation because we must do all that we can to protect those who are injured because of their gender, sexual orientation, race, religion, or disability.

Hate crimes can occur in any community—even one as wonderful and diverse as mine. On July 4, 1999—when we should have been celebrating the welcoming and embracing traditions of our great country, my district was rocked by the killing spree of the white supremacist, Benjamin Nathaniel Smith. This madman left us grieving for Ricky Byrdsong, a former Northwestern University coach, a well-known community leader, a deeply religious man, a man who was committed to his family. His only crime was the color of his skin—he was African-American. Smith also murdered Won Joon Yoon, an Asian American student from Indiana.

The bill we are considering today takes an important step toward making America a more just society, by closing a glaring loophole in our justice system that prevents the Federal Government from prosecuting cases where women, gay, transgender or disabled persons are victims of bias-motivated crimes for who they are. These crimes not only devastate victims and their family and friends, but they devastate the community to which the victim belongs by creating fear and intimidation. Hate crimes chip away at the very foundations of what it means to be an American—that all people are created equal and are afforded the same freedoms and protections.

America must no longer ignore hate crimes of any kind. Everyone, regardless of race, sexual, orientation and gender identity, must be equal in the eyes of the law. The passage of H.R. 1913 will send the powerful message that America stands for tolerance and inclusion, and is opposed to prejudice in all its forms. I want to thank my good friend, Congresswoman TAMMY BALDWIN, and the entire LGBT Equality Caucus for their tireless work to get this bill passed and urge my colleagues to vote "yes" to H.R. 1913.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

SPEECH OF

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

The House in Committee of the Whole House on the State of the Union had under 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:

Mr. PETRI. Mr. Chair, I am disappointed that Congressman MURPHY and I will not have the opportunity to offer our amendment to the Credit Cardholders' Bill of Rights Act which would require credit card companies to report on marketing agreements with institutions of higher education and alumni associations. The amendment also would direct the Government Accountability Office to analyze and report to Congress the impact of these arrangements on student credit card debt. To that end, today we will be introducing this amendment as a stand-alone bill, the Student Credit Card Transparency Act of 2009.

According to a recent study, students are now graduating with an average credit card debt of more than $4,100, up from $2,900 just four years ago. The average number of cards per student has grown to 4.6, with over half of college students reporting they have four or more cards. The combined impact of credit card debt and growing student loan debt can greatly limit a student's future career choice. Furthermore, compounding debt from late payments and high penalties can further jeopardize a young person's financial future by making it difficult to take out their first mortgage, buy a car or even rent an apartment.

As I'm sure we all know through our own experiences or through our children's, college students have become prime targets for credit card marketing campaigns. Most students enter college without a credit card and are quickly saturated with e-mails, direct mailings and on-campus solicitations to sign up for their first credit card. A recent report by the U.S. Public Interest Research Group revealed that, of the students they surveyed, 80 percent said they had received mail from credit card companies. Students reported receiving an average of nearly five mailed solicitations per month. In addition, 22 percent of students reported receiving an average of nearly four phone calls per month from credit card companies.

While the practice of targeting college students may not be much of a surprise, students and parents may be alarmed to learn that many colleges, universities and alumni associations have entered into lucrative agreements with these companies to allow exclusive marketing of their cards. In these arrangements, schools receive large cash payments in exchange for handing over their students' contact information—such as address, e-mail address, and telephone numbers. These confidential agreements may also go further and give companies exclusive face-to-face access to students on campus, such as during sporting events or at the student union. Some provide the university or alumni with additional money based on a percentage of purchases using the card.

Despite the fact that hundreds of schools throughout the country have such arrangements, very little is known about them. Last year's "pay to play" scandal in the guaranteed student loan program exposed the practice of lenders and financial aid administrators putting their own interests ahead of their students' when it came to compiling their "preferred lender list." While arrangements between credit card companies and schools don't necessarily mean the student's financial interests are being harmed, I believe it is imperative to have at a minimum a better understanding of these arrangements. For instance, are schools and associated foundations making arrangements with companies that offer the best rates for their students?

This bill simply seeks greater transparency by requiring credit card companies to report these arrangements. Then Congress, students and parents will be able to judge whether these agreements reflect the best interests of students or that of the school or related institution.

I am happy to have the support of the United States Students Association, USPIRG, Consumer Federation of America, National Association of College Admissions Counselors, and the American Association of Collegiate

Registrars and Admissions Officers and want to thank Congressman MURPHY for his work on this important bill.

IN HONOR OF GUST SEVASTOS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of Mr. Gust Sevastos, as he is being recognized by the Cleveland AHEPA—American Hellenic Education Progressive Association—as the Socratic Award Honoree of the Year, at their 44th Annual Scholarship Awards Banquet.

Mr. Sevastos immigrated to Cleveland in 1958, with not much more than the clothes on his back, faith in his heart and the promise of the American dream. He married, started a family and began his own business. He also began a legacy of dedicated service to the Greek community of Cleveland. His service to others and spirit of volunteerism continues to reflect throughout our community.

Mr. Sevastos served as president of Annunciation Church, and was one of the founding members of the annual Greek Heritage Festival. His dedication to preserving his heritage while assisting others to succeed is also evidenced in the Chios Society, where he held leadership positions on both local and national levels. During his tenure with the Chios Society, he led many fundraising efforts and raise hundreds of thousands of dollars for medical clinics, including an eye clinic and hospital, to provide greatly needed medical services for the poor in the beautiful coastal town of Chios, Greece. Mr. Sevastos has also helped raise tens of thousands of dollars toward college scholarships for young adults in the Cleveland community. His significant contributions have not gone unrecognized. He has been honored numerous times by local, state and national leaders of the United States and Greece as well.

Madam Speaker and Colleagues, please join me in honor of Mr. Gust Sevastos upon his recognition as the Cleveland AHEPA's Socratic Honoree of the Year. His leadership, kindness, service to others and commitment to preserving the rich cultural heritage of his Greek homeland serves to deepen the diversity in our Cleveland community. Mr. Sevastos' lifelong spirit of volunteerism and dedication to helping others has enriched the lives of numerous families and individuals—from Cleveland to Chios, connecting us all in our shared humanity. I consider Mr. Sevastos to be a friend and mentor, and I wish him and his family an abundance of peace, health and happiness.

TRIBUTE TO IOWA STATE UNIVERSITY'S OFFICE OF BIOTECHNOLOGY

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize the Office of Biotechnology at Iowa State University in Ames, Iowa on their 25-year anniversary.

In 1984, Vice President of Research Daniel Zaffarano appointed a Biotechnology Council comprised of five colleges at the university: Agriculture, Engineering, Home Economics, Science and Humanities, and Veterinary Medicine. Despite facing early skepticism by some, within two years the Iowa General Assembly backed the biotechnology program with $17 million in funding after the Council convinced the public of the benefits.

Over the last 25 years, the Office of Biotechnology has provided critical support to many of the university's academic colleges and to K–12 outreach programs. The office has also helped provide research funds to new faculty and equipment and resources to 28 different service facilities at the university.

I congratulate Iowa State University's Office of Biotechnology on this historic anniversary and for its great contributions to science and the State of Iowa. It is an honor to represent current director Walter Fehr, as well as each current and past member of the Office of Biotechnology in the United States Congress and I wish the Office great success in the future.

INTRODUCING THE PARENTAL CONSENT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Parental Consent Act. This bill forbids Federal funds from being used for any universal or mandatory mental-health screening of students without the express, written, voluntary, informed consent of their parents or legal guardians. This bill protects the fundamental right of parents to direct and control the upbringing and education of their children.

The New Freedom Commission on Mental Health has recommended that the federal and state governments work toward the implementation of a comprehensive system of mental-health screening for all Americans. The commission recommends that universal or mandatory mental-health screening first be implemented in public schools as a prelude to expanding it to the general public. However, neither the commission's report nor any related mental-health screening proposal requires parental consent before a child is subjected to mental-health screening. Federally-funded universal or mandatory mental-health screening in schools without parental consent could lead to labeling more children as "ADD" or "hyperactive" and thus force more children to take psychotropic drugs, such as Ritalin, against their parents' wishes.

Already, too many children are suffering from being prescribed psychotropic drugs for nothing more than children's typical rambunctious behavior. According to Medco Health Solutions, more than 2.2 million children are receiving more than one psychotropic drug at one time. In fact, according to Medico Trends, in 2003, total spending on psychiatric drugs for children exceeded spending on antibiotics or asthma medication.

Many children have suffered harmful side effects from using psychotropic drugs. Some of the possible side effects include mania, violence, dependence, and weight gain. Yet, parents are already being threatened with child abuse charges if they resist efforts to drug their children. Imagine how much easier it will be to drug children against their parents' wishes if a federally-funded mental-health screener makes the recommendation.

Universal or mandatory mental-health screening could also provide a justification for stigmatizing children from families that support traditional values. Even the authors of mental-health diagnosis manuals admit that mental-health diagnoses are subjective and based on social constructions. Therefore, it is all too easy for a psychiatrist to label a person's disagreement with the psychiatrist's political beliefs a mental disorder. For example, a federally-funded school violence prevention program lists "intolerance" as a mental problem that may lead to school violence. Because "intolerance" is often a code word for believing in traditional values, children who share their parents' values could be labeled as having mental problems and a risk of causing violence. If the mandatory mental-health screening program applies to adults, everyone who believes in traditional values could have his or her beliefs stigmatized as a sign of a mental disorder. Taxpayer dollars should not support programs that may label those who adhere to traditional values as having a "mental disorder."

Madam Speaker, universal or mandatory mental-health screening threatens to undermine parents' right to raise their children as the parents see fit. Forced mental-health screening could also endanger the health of children by leading to more children being improperly placed on psychotropic drugs, such as Ritalin, or stigmatized as "mentally ill" or a risk of causing violence because they adhere to traditional values. Congress has a responsibility to the nation's parents and children to stop this from happening. I, therefore, urge my colleagues to cosponsor the Parental Consent Act.

SALUTING HARLEM'S OWN RAMONA "MONA" LOPEZ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. RANGEL. Madam Speaker, I rise today to salute and congratulate my dear friend, an outstanding businesswoman and community leader, Ramona "Mona" Lopez in celebration of the 369th Veterans' Association Annual Pre-Mother's Day Brunch taking place on Sunday, May 9 at the elegant Marina del Rey.

Affectionately known in Harlem as Mona by her many fans, friends, business associates and Jazz musician legends, was born on the Island of Puerto Rico and came to New York at an early age. Mona was educated in the Public School system, raised three daughters and embarked on a career that has spanned over three decades. Her daughters Joann, Eva, and Dolores have blessed her with four grandchildren, Margaret, Kimberly, Eva, and Jonathan.

Since December 1978, Ms. Mona Lopez has managed Showman's Cafe in all of its locations within my Congressional District. Showman's, originally located next to the

World Famous Apollo Theatre, over the years has been the home club of choice and hangout for many of Harlem's renowned entrepreneurs and personalities. Since 1942, Showman's Jazz Cafe has showcased top musicians for Harlem and International audiences, as Mona, Co-Owner and retired Son of Sam New York City Police Detective Al Howard, and former barmaid "Lil" Pierce refer to as "family."

Madam Speaker, The Friends of Showman's roster include luminaries and entertainers like Count Basie, Billy Eckstine, Sammy Davis, Jr., Charles Honi Coles, Leroy Myers, Gregory Hines, Pop Brown, Nat Davis and Savion Glover. Personalities like Jesse Walker, Joe Yancy and Jimmy Booker. Performers like Bill Doggett, George Benson, Seleno Clarke, Irene Reid, Jimmy "Preacher" Robins, Gloria Lynne, Joey Morant, Akiko Tsuruga, Grady Tate, Frank Dell and the Prince of Harlem Lonnie Youngblood.

Mona has always been, and still is a "Hands-On" person and as Operations Manager she along with her dedicated and energized staff, is responsible for the reputation that Showman's has maintained for being "The Jazz Club in Harlem" since it was founded back in 1942. For her service to the community, Mona has been honored to receive a "Woman of the Year" award from the Tioga Democratic Club, the Women's Ministry Achievement Award, and a special award from the Greater Harlem Uptown Chamber of Commerce Association. In 2009 Ms. Lopez became a partner in Showman's Jazz Club.

PERSONAL EXPLANATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. BURGESS. Madam Speaker, on Wednesday, April 29, 2009, on rollcall number 216 I am not recorded. This rollcall vote on S. Con. Res. 13, the Conference Report to a Concurrent Resolution setting forth the Congressional Budget for the United States Government for fiscal year 2010 and budgetary levels for fiscal years 2009 and 2011 through 2014, occurred while I was absent from the floor of the U.S. House of Representatives. Had I been present, I would have voted "nay."

I would have voted "nay" on S. Con. Res. 13 because the budget significantly increases the Federal deficit and passes the burden of payment on to future generations of Americans. The reserve funds singled out for healthcare reform, climate change, affordable housing, and Medicare alone represent a dramatic expansion of the powers of the Federal government. I am committed to voting to improve fiscal responsibility and to reduce the size and power of the federal government. As a result of that commitment, I would not support this resolution. On April 2, 2009 the House of Representatives voted in favor of the House Budget Resolution (233–196), on that vote, I am recorded as voting "nay."

TRIBUTE TO JAMES GRABAU

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize James Grabau, a resident of Boone, Iowa, and president of R. H. Grabau Construction Inc.

James, who has been the president of R.H. Grabau Construction Inc. since 1984, was recently honored with The Master Builders of Iowa "Build Iowa Award." The award is given to one Master Builder member each year who best exemplifies skill, integrity, and responsibility in the construction industry and in the member's community.

James has offered his time and talents to many community organizations. Among many other contributions, he has served as President of Boone's Future, the Boone Chamber of Commerce, Boone's Industrial Development Corporation, and the Master Builder's of Iowa. He has served on the boards of Boone County YMCA and Hawkeye Federal Savings Bank. Additionally, he has served as Global Ambassador for the Rotary Group Study Exchange to Australia, Church Elder, and Chairman of the Congregation of the Trinity Lutheran Church. Through his work, he has been honored with such awards as the Al Kinney Award, DMACC Alumni Award, National Leadership Award, and the Associated General Contractors of America Chapter President of the Year Award while President of the Master Builders of Iowa.

I know that my colleagues in the United States Congress join me in commending James Grabau for his professional contributions to the construction industry, his leadership and dedication to representing Iowa in his career, and committing time to his community. I consider it an honor to represent James and his family in Congress, and I wish him the best in his future endeavors.

CONGRATULATING STACEY DONALDSON 2009 MISSISSIPPI TEACHER OF THE YEAR

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to congratulate the 2009 Mississippi Teacher of the Year, Stacey Donaldson.

The Teacher of the Year program, sponsored by the state Department of Education and the Mississippi Teacher Center, awards certified public school teachers for their outstanding performance. Donaldson, a 37-year-old Murrah High School English teacher, was selected for exhibiting leadership, excelling in the classroom and being active in her community.

Stacey, a graduate of University of Southern Mississippi, obtained a bachelor's degree in Broadcast Journalism and a minor in speech communications. She worked as a broadcast journalist before changing careers and becoming a teacher. Stacey earned a master of teaching degree from William Carey College and became a national board certified teacher and completed the Advanced Placement Institute at Millsaps College.

Prior to teaching at Murrah H.S., Ms. Donaldson taught at Bassfield High School in the Jefferson Davis School District and at Sumner Hill Junior High in Clinton, MS. "The art of teaching is bigger than the subject one teaches," Donaldson said. It is no surprise to those who know Stacey best that she would be recognized for her achievements. Donaldson's father, Allen Hall, "noticed his daughter's potential and encouraged her to be the best she could be". With this in mind, Stacey serves as a member of the Murrah site council and sponsor of the school's Not Here Club, which discourages students from substance abuse, as well as coordinates Murrah's Seatbelt Safety Project.

Stacey's husband, Johnny Donaldson, describes her as passionate, hardworking and devoted. She is the mother of two daughters, 10-year old Camaryn and 5-year old Cailyn. In addition to her role as wife, mother and teacher, Stacey finds time to give back to her church and community. She is a member of Greater New Jerusalem's scholarship committee and is a young women's ministry volunteer for the Sims House Stewpot Ministries.

I am very proud of Ms. Donaldson and all of her accomplishments. She is truly a remarkable example of the talented, dedicated and hardworking teachers that help to educate Mississippi's best and brightest children.

Please join me today in congratulating Ms. Stacey Donaldson, the 2009 Mississippi Teacher of the Year.

PERSONAL EXPLANATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. BURGESS. Madam Speaker, on Wednesday, April 29, 2009, on rollcall number 223 I am not recorded. This rollcall vote on H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act of 2009, to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes, occurred while I was absent from the floor of the U.S. House of Representatives. Had I been present, I would have voted "nay."

Violence, whether it's based on a perceived or actual threat, is of enormous concern when it is combined with constitutionally protected rights. Race. Color. National Origin. Religion. Gender. Disability. All of these fundamental rights are protected by our Constitution and hate crimes themselves have additional protection in Section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994. Any hate crimes perpetrated in violation of either law should be fully prosecuted by the U.S. Department of Justice and we, as the DOJ's appropriators, should give them all the resources they need to prevent any hate crimes from occurring.

I believe existing federal law is more than adequate to prosecute hate crimes and, as such, should I have been present I would have voted "nay."

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

The House in Committee of the Whole House on the State of the Union had under 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:

Mr. LANGEVIN. Mr. Chair, I rise in strong support of H.R. 627, the Credit Cardholders' Bill of Rights Act. Last week, I hosted my first telephone town hall meeting and my constituents called in with questions and concerns about what can be done to stop the deceptive practices by credit card companies. I was pleased to tell them that I was a cosponsor of this bill, which provides a sensible approach to reforming major credit card abuses and improving consumer protections for cardholders.

Credit cards have become an integral part of the American economy, offering consumers instant access to a convenient, flexible source of financing. Unfortunately, more and more Americans are turning to their credit cards to help pay medical and utility bills, buy groceries, and make ends meet in this troubled economy. Credit card debt now consumes a sizeable portion of the average family's income. To make matters worse, the playing field between card companies and consumers has become increasingly uneven in recent years. A credit card agreement is a contract between a card company and a cardholder, but these companies have taken advantage of their customers with deceptive billing practices and hidden fees. Meanwhile, money that families are forced to divert to these unfair rates and charges could be better spent on goods and services that could help bolster our struggling economy.

Cardholders deserve more bargaining power, and the Credit Cardholders' Bill of Rights Act helps level the playing field. Cardholders are entitled to accurate information and the right to make decisions about their own credit. This bill will ban interest rate increases on an existing balance unless the borrower is 30 days overdue and requires card companies to give cardholders notification 45 days before any interest rate increase. This legislation also protects vulnerable consumers from fee-heavy subprime cards and prohibits issuing cards to minors. H.R. 627 would also ban "universal default," where a card company raises the interest rate on one card if the cardholder misses a payment on a separate credit card or their credit score lowers. All of the provisions in this bill are the result of careful study and analysis, and I believe this deliberative approach has produced a very balanced and moderate bill.

Mr. Chair, instead of looking the other way while Americans fall deeper into debt, Congress must protect their financial interests and put an end to the tricks and traps used by credit card companies to undermine a competitive market. The balanced reforms in the Credit Cardholders' Bill of Rights will help do just that, while also helping to foster fair competition and the values of the free market. I encourage all my colleagues to vote for H.R. 627.

TRIBUTE TO DR. TOM RENZE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. LATHAM. Madam Speaker, I rise to recognize and congratulate Dr. Tom Renze, Principal of Woodbury Elementary School in Marshalltown, Iowa, on receiving the Dr. Carmen P. Sosa Leadership Award.

The Dr. Carmen P. Sosa Leadership Award recognizes administrators who exhibit outstanding leadership and advocacy for English language learners. Woodbury School has a dual language program and helps students learn English or Spanish as a second language.

Dr. Renze credits the award and success of the dual language program to the efforts of and support from the teaching staff and parents of the school's students. This award comes at a special time for Dr. Renze, who is retiring at the end of the 2009 school year.

I know my colleagues in the United States Congress join me in thanking Dr. Renze for his work with the dual language program and service to the Marshalltown Community School District. I consider it an honor to represent Dr. Renze and his family in Congress, and I wish him the best in his future retirement.

HONORING MR. THOMAS R. RAMSEY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. GERLACH. Madam Speaker, I rise today to congratulate the 2009 inductees to the Phoenixville Area School District Wall of Fame.

Thomas R. Ramsey Jr. and Leo J. Scoda are well-deserving recipients of this honor thanks to their outstanding service to students and constant commitment to improving the quality of life in the community.

Mr. Ramsey, a Phoenixville native, has shared his knowledge of television broadcasting with high school students since 2002, helping launch Phantom Television. In addition to informing students and staff with daily morning announcements, the station provides great coverage of concerts, sports and other scholastic events. Mr. Ramsey also gives back to the community through his service on Schuylkill River Heritage Center Board and the Donald J.L. Coppedge Scholarship Committee.

Mr. Scoda dedicated 35 years to teaching biology at Phoenixville Area High School where he also guided the boys' tennis team to amazing 196–0 record in PAC 10 play and 33 Chest-Mont and PAC 10 league championships. He also has been most active in civic life by serving as Mayor of the Borough of Phoenixville since 1998.

The school district and community members will honor the two men during an induction ceremony on May 5, 2009 at Phoenixville Area High School.

Madam Speaker, I ask that my colleagues join me today in congratulating Thomas R. Ramsey Jr. and Leo J. Scoda for their tremendous community spirit and exemplary dedication to the youth of Phoenixville, Pennsylvania.

LOCAL ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2009

SPEECH OF

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Mr. LEWIS of Georgia. Mr. Speaker, while it is an honor to be able to participate today's debate, I must say that it gives me feelings of both joy and sorrow. Sorrow, because in the year 2009, I would hope that we should not have a need for such a bill.

I find it most ironic that some of the very same voices in the community who speak out against this bill are the very same voices that question whether racism and prejudice no longer exist simply because a person of color has been elected President. Racism, prejudice, and hate did not disappear on November 4th, 2008. Nor did they disappear on January 20th, 2009.

Yet it gives me joy that we are able to do something about it. I grew up in the Deep South and faced vile hatred up close, and it gives me joy to vote "yes" on the Local Law Enforcement Hate Crimes Prevention Act. Today we proclaim that our country will not stand for, and will not tolerate hate crimes.

This bill is the right thing to do. It protects our citizens, our nation; our principles and our values.

We are all Americans—

Black Americans, White Americans, Hispanic Americans, Asian Americans, Native American, Christian Americans, Jewish Americans, Muslim Americans, Gay Americans, Straight Americans—all Americans. We are one people and one nation, the American nation. This bill will bring us one step closer to the Beloved Community, a nation at peace with itself.

A constituent came by my office just yesterday and spoke about her son who fought in Iraq. Her son completed two tours in Iraq. Her son has said that he was indeed concerned about his safety. But her son said that he was even more concerned about the safety of his father—a transgender woman, walking the streets of the United States of America every day.

President Obama has talked repeatedly about renewing America's promise. Today, I urge my fellow Members to vote "yes," and keep America's promise.

RECOGNIZING THE IMPROVED RELATIONS BETWEEN CHINA AND TAIWAN

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. BUTTERFIELD. Madam Speaker, I rise in recognition of an announcement that Taiwan has been invite to participate as an observer at the annual meeting of the World Health Organization's governing body being held in Geneva next month.

With the strong support of the United States, Taiwan has persistently campaigned, especially after the SARS outbreak in 2003, to rejoin the World Health Organization but China has consistently blocked efforts to join any international body as an independent political entity.

So this marks a clear and important sign of improved relations between China and Taiwan, and I congratulate them on taking this important and meaningful step forward.

Since Taiwanese President Ma took office on May 20, 2008, relations between the two sides of the Taiwan Straits have greatly improved, paving the way for the first direct flights between the straits in 60 years, Chinese pandas being sent to Taiwan, substantially improved financial and business contact, and direct postal service and shipping.

Madam Speaker, I ask that my colleagues will join me in applauding the efforts to improve relations and to encourage further cooperation.

CONGRATULATING LANA POLLACK FOR RECEIVING THE 2009 MILLIKEN AWARD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. DINGELL. Madam Speaker, I rise today in honor of Lana Pollack on the occasion of her receiving the Michigan Environmental Council's (MEC's) 2009 Helen and William G. Milliken Distinguished Service Award.

I have known Lana as both a friend and a colleague. She is a public servant of the highest order and a remarkable human being. Lana has served her community and her state with distinction. As a Michigan State Senator from 1982 until 1994, Lana led the effort to provide for a cleaner and more beautiful Michigan. As a champion of environmental causes, Lana helped clean up our state and ensured that those who polluted paid for their transgressions. But she did not limit herself to just one issue; Lana fought for legislation to provide gender equity, educational improvements and reproductive rights.

After leaving the Michigan State Senate, Lana joined the Michigan Environmental Council, serving as its president from 1996 until her retirement in January. While president of the MEC, Lana provided the force and leadership that grew this terrific organization, doubling its size and producing a ten-fold increase in its budget. But it wasn't the size increase or the money that made Lana's leadership of the MEC such a success, it was the quality of work that the MEC produced. Under Lana's watch, the MEC continued in its mission to protect Michigan's environment and preserve its natural resources. Lana used her skills in building coalitions of support to manage the 70 member organizations that make up the MEC in their combined efforts. Through passion and pragmatism Lana led the MEC from one success to another in its fight to protect our environment.

Lana Pollack is a model public servant. She is being honored with the Milliken Award because of her lifetime of service and her commitment to the environment. Her efforts personify what it means to be an active and engaged member of a community and an individual who is willing to fight for those principles they care deeply about. I am pleased to congratulate Lana on this tremendous accomplishment, for which she is so worthy of recognition, but above all else, I am honored to have her friendship. I ask my colleagues to join me in saluting Lana Pollack for her leadership, passion and record of accomplishment.

HONORING GREAT VALLEY MIDDLE SCHOOL FOR BEING NAMED ONE OF THE NATION'S SCHOOLS TO WATCH

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. GERLACH. Madam Speaker, I rise today to congratulate the parents, students and faculty at Great Valley Middle School for earning the outstanding distinction of being named one of the nation's Schools to Watch.

Just 11 schools in Pennsylvania and 170 schools in the United States have been recognized as Schools to Watch by the National Forum to Accelerate Middle-Grades Reform.

This honor demonstrates that Great Valley has an exceptionally talented team of teachers and administrators, involved parents committed to making education a priority and hard-working students determined to make the most of their educational opportunities.

Madam Speaker, I ask that my colleagues join me today in recognizing the Great Valley Middle School for this much-deserved national honor and for the school's constant commitment to excellence in education.

TRIBUTE TO EILEEN HOROWITZ

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. WAXMAN. Madam Speaker, it is my pleasure to recognize the extraordinary contributions of Eileen Horowitz, Temple Israel of Hollywood Day School's Head of School. Eileen will be retiring this spring after 14 remarkable years of service to Temple Israel of Hollywood and 40 years as a visionary educator and administrator.

Eileen will be wished a warm and fond farewell on May 16, 2009 during Temple Israel of Hollywood's Spring Gala celebrating her commitment to the children and community at Temple Israel.

Since 1995, Eileen has served as Temple Israel of Hollywood Day School's Head of School. By all accounts, she has transformed the Day School while touching the lives of hundreds of children, their families, her colleagues and the Temple's congregants. Eileen has elevated the Day School to an institution that is locally, nationally and internationally renowned for its high academic standards, its innovative and creative programming and its focus on nurturing well-rounded children. Eileen's forward-thinking philosophy has been to foster a student's identity that is sensitive to others and the environment and fulfills the responsibility that each of us bears.

Eileen's 40-year career in education has taken her from classroom instruction to curriculum development and implementation to school administration and teacher training. Perhaps Eileen's most inspiring legacy is that she has never lost sight of the reason she entered the field of education in the first place—her desire to help children reach their potential and develop a lifelong love of learning.

Notwithstanding Eileen's incredible accomplishments, she considers her finest achievements to be her nearly 40-year marriage to her husband, Steve, her children and their six beautiful grandchildren.

Temple Israel of Hollywood and our entire community owes Eileen a debt of gratitude for her tremendous record of achievements at Temple Israel of Hollywood and throughout her career. I am delighted to join Eileen's family, friends, colleagues, students and their families in congratulating her and wishing her Mazel Tov for her successes.

I ask my colleagues to join me in extending thanks and appreciation for her outstanding and inspired contributions these past 14 years at Temple Israel and in wishing her all the best for the future.

HONORING THE LIFE AND SERVICE OF DONALD W. KOLHOFF

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Donald W. Kolhoff, veteran and patriot, upon receiving the lifetime achievement award from the Wayne 11th Congressional District Republicans.

Don was born in Toledo, Ohio in 1930, the second of three sons. He graduated from Central Catholic High School in 1948. After High School, Don served in the United States Air Force from 1950 to 1954, including two tours of duty during the Korean War from 1951 to 1953. While doing his duty in the Air Force, Don found time to attend classes at Southwest Texas State University and the University of Toledo, majoring in Accounting.

After his service to our nation, Don began a successful career in the defense industry. Don got his start as a contract manager for the jeep division of Kaiser Industries. In 1970, Don moved his young family to Livonia, Michigan and went to work for AM General. From 1981 until he retired in 1994, Don served as a Senior Contract Administrator with Textron Corporation, supervising defense contracts with the United States Navy. Due to his exemplary

professional service, Don has served as a state or chapter executive committee officer with several defense industry professional associations including the Association of the United States Army (AUSA), the American Defense Preparedness Association (later the National Defense Industry Association), and the JROTC Awards Banquet Committee, among others.

In his personal life Don has always been a staunch, committed Conservative. His first official participation in the Republican Party came when he offered to volunteer in the re-election campaign of President Nixon in 1972. He went on to serve as a volunteer in both Reagan landslides of 1980 and 1984. His first foray into local Michigan Republican Party politics was as a volunteer in the Honorable Joe Knollenberg's successful campaign for the United States House of Representatives in 1992. Don was later elected as a precinct delegate and joined the Wayne 11th Congressional District Republicans. During his time in the Wayne 11th Congressional District Republicans, Don has led, organized, or assisted in almost every volunteer effort undertaken by the organization in order to promote principled Conservative values which make our GOP the grand party it is. Don's other greatest achievements are his two children, Beth and Steve, and his four grandchildren. Beth and her husband Eric, have three children, Megan, Sean, and Kelly. Steve and his wife Andrea have one child, Christopher.

Madam Speaker, Donald W. Kolhoff has faithfully served Michigan and Wayne County. As he receives this award for his lifetime of achievements, he serves as a timeless example of selflessness and public service. Today, I ask my colleagues to join me in congratulating Donald W. Kolhoff upon his award and recognizing his years of loyal service to our community and country.

HONORING RAYMOND SERCU OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Mr. Raymond Sercu, a great leader in the community of Napa Valley. Mr. Sercu is being honored by Napa Valley Product Services Industry for his many contributions to developmentally disabled adults in the Napa Valley.

Mr. Sercu was born in Buffalo, New York and served in the United States Air Force for two years before coming to California for postgraduate work at UC Berkeley and San Jose State. He worked as Area Manager for National Cash Register from 1954 to 1965 before beginning his distinguished tenure with Vallerga's Markets of Napa in 1965.

Mr. Sercu's time as President of one of Napa's premier small businesses is only the beginning of his extensive community involvement. Ray has served as Chairman of Queen of the Valley Hospital's Board of Trustees, the Northern California Grocers Association, Retail Marketing Services and the Napa County 4–H Sponsorship Committee. He has also served as President of the Napa Valley Economic Development Corporation, and in the Napa Valley Chamber of Commerce among many others. He is a Rotarian and lifetime PTA member who was appointed to the Napa City Council from 1999 to 2001. Of particular note on this occasion is Ray's service to developmentally disabled adults as Chairman of the Product Services Industry Board of Directors and President of North Bay Developmental Disabilities Services.

Throughout his career, Mr. Sercu has earned the continued admiration of all who have worked with him. His colleagues and friends describe Ray as one of the kindest, most generous people they have ever met, someone who would give the shirt off his back to make the community a better place.

Madam Speaker and colleagues, it is my distinct pleasure to recognize Ray Sercu for his many years of service. He has been a model citizen and leader in the Napa Valley and his presence has enriched the lives of everyone in our community. I join his wife Jenny and six children in thanking Ray for a distinguished lifetime of service and wishing him continued success and fulfillment.

UW SCHOOL OF MEDICINE

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. REICHERT. Madam Speaker, today I rise in recognition of the University of Washington School of Medicine and their incredible standing as one of the best medical schools in the world. According to US News & World Report, the University of Washington tops the list of national primary care medical schools for the 16th consecutive year.

The groundbreaking and life-saving work done at the UW School of Medicine is beyond extraordinary. I feel a sense of pride to know that the best primary care medical school in the nation is located in my home state of Washington.

The School of Medicine was also ranked first in family medicine and rural medicine for the 18th straight year, fourth in women's health medicine, sixth in geriatric and pediatric medicine and eighth in internal medicine. Additionally, six active and retired members of the UW community are among 210 new Fellows named to the American Academy of Arts & Sciences: David Baker, William Gerberding, Andrew Meltzoff, Ed Miles, James Truman and Gunther Uhlmann.

Previously, the University of Washington was ranked the 17th best university in the world by the Institute of Higher Education, Shanghai Jiao Tong University, and 22nd among the top 100 global universities by Newsweek. The University of Washington has proven itself to be a world-class institution and it is truly a privilege to represent a region boasting some of the greatest minds in the world. I congratulate them on the honor for the School of Medicine and look forward to continue working together to make sure we provide the best medical care and training possible.

READING IS FUNDAMENTAL

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. EHLERS. Madam Speaker, I supported Reading is Fundamental, a national project, that received funding through H.R. 1105, the Omnibus Appropriations Act, 2009.

Reading is Fundamental (RIF) is authorized under the Elementary and Secondary Education Act. RIF promotes youth literacy by providing underserved children access to free and new books at programs across our nation.

It is a good program, and I am pleased to support it.

EXPRESSING SUPPORT FOR VIETNAMESE REFUGEES DAY

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 28, 2009

Ms. McCOLLUM. Mr. Speaker, I rise today in support of H. Res. 342 encouraging the designation of May 2, 2009 as ''Vietnamese Refugees Day''.

H. Res. 342 expresses the support of the House of Representatives for a day to commemorate the arrival of Vietnamese refugees in the United States and document their harrowing experiences and subsequent achievements. May 2, 2009 has aptly been chosen for this day of commemoration since it also the date on which a powerful symposium entitled ''Journey to Freedom: A Boat People Retrospective'' is being sponsored by the Library of Congress and Vietnamese-American organizations across the United States.

More than one million Vietnamese refugees left their home country following the Vietnam War. Many risked their lives fleeing peril and destruction on small, overcrowded ships. Others escaped by land to refugee camps throughout Southeast Asia. Over 22,000 of these courageous individuals settled in Minnesota and I am proud to say that many now call Minnesota's 4th District their home.

Despite the difficult conditions they left behind, Vietnamese refugees have prospered in the United States. In Minnesota, and across the United States, Vietnamese-Americans have made their communities more prosperous and more vibrant. Today, Vietnamese-Americans are amongst the most distinguished contributors to the fields of literature, the arts, science and athletics in America. Vietnamese restaurants, retail services, and grocery stores have helped turn University Avenue in St. Paul, Minnesota into a thriving business center.

Mr. Speaker, I call on my colleagues to recognize the great courage and achievement of Vietnamese refugees everywhere by joining me in supporting H. Res. 342.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of the Conference Report on S. Con. Res. 13, Chairman, setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2014. I thank Chairman SPRATT of the Budget Committee for his leadership and hard work on spearheading the effort to bring a budget to the floor that the American people can live with, helps fuel the engine of the government, makes America thrive, and makes it place that we all can be proud of. The President, the Conferees, and this Congress, should all be commended for helping bring this budget to the floor. I support the budget and I urge my colleagues to do the same. I support the budget for several important and distinct reasons.

Unlike the last Administration, which inherited a $5.6 trillion surplus, this Administration inherited an economy in steep decline, a budget in record deficit, and faltering public services due to persistent underfunding and inattention. The Congress has already taken steps to create jobs, help Americans regain their home, help Americans pay their bills and put food on the table for their families. The Congress has also taken steps to rebuild our economy. The Congress has done all of these tasks by enacting the Recovery Act. The budget is an economic blueprint for the future that builds from these initial steps by making strategic investments to rebuild our economy over the long term. The budget provides for increased investment in health care reform, education, and energy independence and at the same time puts the budget back on a path to fiscal responsibility and sustainability.

The budget is to be applauded as nothing short of a miracle. It makes strategic investments in education, health care reform, and energy independence and puts the country back on track to remain globally competitive. It puts us on track to cut the Federal budget deficit by more than half by 2013. The budget reflects the Recovery Act. The Obama Administration inherited a deficit of well over $1 trillion and the worst economic downturn since the Great Depression. The budget builds upon the President's plan. It provides tax relief to middle-income families, creates jobs through investment in infrastructure, and extends unemployment benefits for millions of Americans.

The budget addresses eight years of Republic policies that have brought on America's current economic woes. So far, we have seen 25 straight months of housing price declines; 14 months of job losses and 4.4 million jobs lost, the most since World War II, with 651,000 jobs lost in February alone; unemployment is currently soaring above 8.1 percent and in the double digits in the minority communities across this great Nation; and 45 percent drop in major stock markets from their highs.

The budget supports the President's goals for Health Care Reform. The President's principles for healthcare reform include making health coverage affordable and available to all, improving safety and quality, and improving and providing Americans with a choice of health plans and physicians, including the choice of keeping their current health plan. The budget begins to address the rising health care costs. The average cost of an employer-sponsored health insurance policy exceeded $12,000 in 2008, more than twice what it cost ten years ago. The President's plan would reduce the inefficiencies that have caused these prices to soar.

The budget sets us on a plan to increase coverage. The number of people without insurance grew from 38 million in 2000 to nearly 46 million in 2008. Nearly 1 out of 6 Americans is without health care coverage. Most uninsured are in working families. Millions more are underinsured. The budget assumes that health care will be paid for, so it does not add to the deficit. Importantly, the budget supports improvements to medicare's payment system for doctors. The budget supports legislation on medicare physician payments to provide for efficiency and higher quality care, promote fiscal sustainability, ensure that primary care receives appropriate compensation, and improves coordination of care.

The budget invests in education. The budget builds upon the Recovery Act's historic investment in education. The budget includes the $100 billion in education funding provided for in the Recovery Act to help states maintain elementary, secondary, and higher education services. The Recovery Act targeted funds to Title I (Education for the Disadvantaged), Head Start, and special education, where the funding can be used to train more teachers to provide needed services. This supports Congress's efforts that resulted in increased maximum Pell Grant awards to $619 to a total of $5,350—the largest annual increase in history—and created the American Opportunity Tax Credit for eligible students receive a partially refundable tax credit of up to $2,500 to cover college costs. Simply put, the budget makes education more affordable and accessible and increases education funding. It supports early childhood education and supports improved school breakfast and lunch programs. The budget will afford over 31 million children a healthy and nutritious meal.

The budget builds upon significant funding and tax incentives in the Recovery Act by increasing our investments in renewable energy and energy efficiency by some 18 percent for 2010. These investments will spur new sources of energy that we can produce here, creating ''green collar'' jobs for American workers. It will promote energy independence over the long term.

I urge my colleagues to support the budget. It takes the appropriate steps to put the budget back on track for fiscal responsibility and sustainability. It will cut the budget deficit by more than half in four years. Specifically, it will cut the budget from $1.7 trillion in 2009 to $586 billion in 2013. It also improves responsibility through statutory pay-go. It includes investment in oversight and enforcement yielding savings.

YOUTH JOBS

The budget includes funding for summer jobs for youth. Our youth, and individuals that have opted not to go to college or institutions of higher learning, need to be engaged and employed. Employment will provide them with skills and aptitudes that are necessary to be productive in society.

HEALTHCARE

The budget accounts for the cost of healthcare reform to ensure that the 45 million uninsured Americans (four million of which are children) have access to quality and affordable healthcare.

The budget accounts for the following:

Funding the Minority AIDS Initiative to build capacity among minority run non-governmental organizations and to conduct outreach services among minority communities.

Funding the Ryan White CARE Act to support care and treatment programs at the local level to address the needs of people living with HIV/AIDS.

Funding the CDC Prevention activities for HIV, STD, TB and Viral Hepatitis to fund testing initiatives and support innovative prevention efforts at the local level.

Funding for Housing for people living with HIV/AIDS (HOPWA) to provide supportive housing for people with AIDS.

INTERNATIONAL AFFAIRS

I commend the President for requesting an increase of $15 billion for the Department of State and other international programs in FY2010, which is a 40% increase over the FY2009 level. The budget includes this increase in the budget resolution. I am hopeful that these additional funds will go towards the Global Fund to Fight AIDS, Tuberculosis and Malaria; USAID; migration and refugee assistance; peacekeeping efforts in Darfur; education, healthcare and cultural exchange programs; child survival and health programs; and development assistance.

NATIONAL DEFENSE

I support the robust funding for our troops and America's national defense. I support reducing funding for the failed Ballistic Missile Defense program and reallocating those funds within the Defense Department to fund increases in shipbuilding, troop readiness, military and civilian pay, cancer research, and mental health services.

I have consistently fought for funding to weed out waste, fraud and abuse within the Department of Defense. The Defense Department has already saved an estimated $89 billion between FY01 and FY07 by implementing 1,682 of the Government Accountability Office's recommendations. The present budget, as does President Obama's FY2010 Budget Overview, reflects a similar commitment, as has the House Budget Committee under Chairman SPRATT's leadership.

INCOME SECURITY

As the economy continues to worsen, the budget accounts for the increased need for income security programs, such as the Supplemental Nutrition Assistance Program, Unemployment Insurance, Medicaid, and the Recovery Act's COBRA subsidy.

HOUSING PROGRAMS

The housing crisis lies at the center of the economic problems we face today. After the series of TARP bills, the Congress has just found out that bank executives have used over $100 million in TARP funds to pay for executive bonuses and other forms of compensation. The budget reverses eight years of underfunding of the nation's affordable housing programs and we are pleased that the Administration has proposed a HUD budget that

increases funding for the Department by 19 percent. The budget matches this aggressive budget authorization and to support large investments into the Community and Regional Development and and the Income Security functions in order to account for increases in Affordable Housing programs.

The budget supports the Administration's proposal to fund the National Affordable Housing Trust Fund at $1 billion and to fully fund the Community Development Block Grant program. It funds HUD's housing programs for the elderly, disabled, and Native Americans, as well as for those programs that prevent homelessness. It increases funding for the Neighborhood Stabilization Program, which allows states, localities, and nonprofits to buy up and rehabilitate abandoned and foreclosed properties.

JUSTICE PROGRAMS

The budget accounts for funding efforts to combat and reduce juvenile crime and efforts to rehabilitate ex-offenders. Removing barriers to reentry has proven to reduce recidivism, which in the long run reduces crime. In addition, the budget accounts for much needed increases in youth crime intervention programs. Research has shown that targeting funding towards intervention rather than incarceration is more effective at reducing crime and saving the taxpayer money in the long run.

I have long supported efforts to increase funding for the Justice Assistance Program, the Juvenile Justice Program, Civil Rights Enforcement, the COPS Program, the Byrne Justice Grant Program, and State and Local Law Enforcement Assistance. The budget accounts for sustaining many of the important increases for these programs that was included in the American Recovery and Reinvestment Act.

EDUCATION

As the Chairwoman of the Children's Caucus, I support the budget's effort to reform and expand the Pell Grant program. Pell Grants are way to make education affordable to disadvantaged youth. This is very important to me.

The budget has sustained increases in education funding, especially for Title I and IDEA. Even though Congress is to consider the reauthorization of the No Child Left Behind Act this year, the Budget Committee should still account for the need to address the substantial funding shortfalls of this program over the last eight years. The American Recovery and Reinvestment Act made substantial increases, the budget accounts for sustaining many of these new investments.

The budget also account for needed increases in funding for Head Start, TRIO (including Upward Bound), GEAR UP, Youth Build, and vocational education programs. The budget accounts for funding for expanded grants to states for workplace and community transition as authorized in the Higher Education Opportunity Act. These grants will better assist and encourage incarcerated individuals who have obtained a secondary school diploma or its recognized equivalent to acquire educational and job skills.

The budget accounts for funding for the historic increases in funding for Historically Black Colleges and Universities and Minority Serving Institutions authorized in the Higher Education Act reauthorization enacted last year.

INFRASTRUCTURE

The budget supports the President's initiatives to provide increased funding for infrastructural projects. The President's priorities are reminiscent of the New Deal where this country invested in building up our Nation and the budget reflects this. The President has made a significant effort at achieving this by his signing of HR 1, the Stimulus Act.

In the Stimulus Act, the President authorized money to be spent on infrastructural projects that were shovel ready, i.e., ready to be stated within 120 days. I know that America could use this money.

Indeed, Houston would benefit. Houston's Metro Rail needs to complete its RAIL service in certain quadrants of Houston. The project has been twenty years in the making. I have worked with Leadership and Chairman OBERSTAR to ensure that METRO Rail projects get the funding that they need to be completed.

Completion of this mobility project would decrease congestion and pollution as Houstonians would travel via rail instead of using their cars. This would increase Houston mobility and the health of Houstonians as they would be forced to walk around instead of using their private transport.

VETERANS

The budget provides increased funding for veterans over the next five years.

OTHER PRIORITIES

Fully fund the Community Development Block Grant.

Increased funding for the Public Housing Capital Fund to continue to address eight years of stagnant funding under the Bush Administration.

Fully fund the Child Care and Development Block Grant.

Fully fund the Social Services Block Grant.

Increased funding for HOPE VI.

Fully fund the Neighborhood Stabilization Program.

Increased funding for the Affordable Housing Trust Fund.

Support for the creation of a National Infrastructure Bank.

Continued funding for Hurricane Katrina recovery and rebuilding efforts.

Increased funding for the Environmental Justice Small Grants Program.

Increased funding for the National Underground Railroad Network to Freedom program at the National Park Service. This is important to me. I worked to get funding for urban parks in the Stimulus bill. This increases the health and overall well being of constituents. It is necessary in urban Mecca's like Houston.

HANG UP ON THE TELEPHONE TAX

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to urge my colleagues to support the Telephone Excise Tax Repeal Act of 2009, which I introduced today along with Mr. THOMPSON of Pennsylvania. The telephone tax is deceptive, archaic, unfair and regressive.

This tax was first imposed in 1898 to fund U.S. involvement in the Spanish American War. That conflict is long over, and now elimination of this tax is long overdue. But it is not for want of trying.

Similar pieces of legislation have won bipartisan support in previous sessions of Congress—127 cosponsors in the 110th Congress and 220 in the 109th Congress—but have routinely been stalled. Let's not let that happen again.

I suspect many Americans would be surprised to learn that they are paying a three percent tax on their local telephone, toll, and teletype exchange services. As an excise tax, there is no direct payment made to the government; the tax is collected by the phone companies and remitted to the federal government.

Although the amount is itemized on each phone bill, it is one of many taxes, fees and surcharges listed and can be easily overlooked on the multiple pages of an average telephone bill.

With advances in technology, this tax has become punitive for those without the ability, financial means or desire to upgrade their telecommunications services. Cellular phone and long distance landline telephone services were exempted from the tax in 2006. Bundled services that do not differentiate between local and long distance services, such as Voice over Internet Protocol (VoIP) services, also are exempt. The only service still being subjected to this antiquated tax is local telephone service, which is the predominant means of communication used by the disabled, lower-income families and senior citizens.

Eliminating this regressive tax would be consistent with the actions we already have taken so far in this Congress to provide hundreds of billions of dollars in tax relief to hard working Americans. I ask my colleagues to join us in hanging up on the telephone tax.

HONORING DANIEL C. GILLIAM

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Daniel C. Gilliam upon his retirement from the position of Deputy Senior Acquisition Executive at the National Security Agency (NSA). In this position Mr. Gilliam has been responsible for all of NSA's acquisitions and management of the Acquisition Directorate's senior leadership. Mr. Gilliam oversees all procurements, liaisons with key industry partners, and directs resources to optimize the organization's effectiveness. Working closely with Acquisition's customers, Mr. Gilliam maintains strategic partnerships with NSA's mission elements to ensure their needs and requirements are met.

After earning a Bachelor's degree in Business Management from the University of Maryland, and a Master's degree in Public Administration from the George Washington University in 1979, Mr. Gilliam graduated from the Industrial College of the Armed Forces in 1993. He also attended the Federal Executive Institutes Leadership for a Democratic Society Program in 1996.

In 1976, Daniel began his career at NSA as a management support intern. Since then, he has worked on a variety of acquisition and contracting positions to include contracting specialist, contracting officer, and cost/price analyst as well as managing those same disciplines. While participating in NSA's executive development program, Mr. Gilliam worked in

the NSA Corporate Policy Office, the NSA Operations Directorate, and served as the Defense Intelligence Agency's Director for Procurement in 1995/1996. From 1997 to 2005, Mr. Gilliam served as the Chief of the Contracting Group, responsible for managing and directing all effort associated with contracting for materials, equipment, and services required to support the missions of the NSA.

Certified level III in contracting in accordance with the Defense Acquisition Workforce Improvement Act. Mr. Gilliam graduated from NSA's Senior Cryptologic Executive Development Program in 1996. He received the Defense Intelligence Director's Award in 1996, and he received the Meritorious Executive Presidential Rank Award in 2002.

Madam Speaker, I ask that you join with me today to honor Daniel C. Gilliam in his retirement from the position of Deputy Senior Acquisition Executive at the National Security Agency. His legacy as a brilliant and competent specialist will be forever remembered in his service to defending the security of our nation. It is with great pride that I congratulate Dan Gilliam on his exemplary defense career and his outstanding service at the National Security Agency.

RECOGNIZING MATT GIRAUD

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. UPTON. Madam Speaker, I rise today to recognize Matt Giraud, a great talent from Kalamazoo, Michigan, for placing in the top five on the eighth season of Fox's American Idol.

Every week, Matt has been a staple in our living rooms, helping us forget about Michigan's challenges for a little while as he sang the hits in his own impressive style.

A life-long Michigan resident, Matt grew up in Ypsilanti, Michigan where he began his musical career by playing drums at his local church. As time passed, Matt became more serious about music. He taught himself how to play the piano and began singing at the age of sixteen. Matt spent his college years in Kalamazoo and attended Western Michigan University, where he studied organizational communication and was a member of the jazz ensemble Gold Company II. After graduating from Western, Matt decided to make Kalamazoo his home and became a regular performer at Monaco Bay and Zazio's lounge, building quite a local following—including me and my staff.

Matt was a performer on American Idol this season, wowing us time and time again with his polished performances. The State of Michigan has been rooting for him from the beginning and we in Kalamazoo are proud to call Matt Giraud our home town idol. Matt, congratulations on your success and we look forward to watching you succeed in the years ahead.

Although Matt's run is over on American Idol, a brilliant career is just beginning.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 1105, Omnibus Appropriations Act, 2009:

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Education, National Projects, Innovation & Improvement

Legal Name of Requesting Entity: National Writing Project

Address of Requesting Entity: University of California, 2105 Bancroft Way #1042, Berkeley, CA 94720–1042

Description of Request: Appropriation in the amount of $24,291,000 for the National Writing Project for activities authorized under the Elementary and Secondary Education Act.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 1105—Omnibus Appropriations Act, 2009

Account: Department of Education, National Projects, Innovation & Improvement

Legal Name of Requesting Entity: Reading Is Fundamental

Address of Requesting Entity: 1825 Connecticut Avenue, N.W., Suite 400, Washington, DC 20009

Description of Request: Appropriation in the amount of $24,803,000 for Reading Is Fundamental authorized under the Elementary & Secondary Education Act.

NATIONAL AUTISM AWARENESS MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. REICHERT. Madam Speaker, the Centers for Disease Control estimate that autism now affects one in every 150 American children and nearly one in 94 boys. More children will be diagnosed with autism this year than with diabetes, cancer, and AIDS combined. Autism is the fastest-growing serious developmental disability in the world, and yet we know little about the root causes of autism.

That's why we must do more to support NIH medical research. Earlier this month I introduced a resolution with Representatives GERLACH and BACHUS to again designate April as "National Autism Awareness Month."

This resolution commends the parents and relatives of children with autism for their dedication in providing for their special needs. It emphasizes the importance of early intervention services. And it supports efforts to devote new resources to medical research on the causes of autism and treatments for it.

With increased support for autism, together we can offer some hope in an area that desperately needs it. I encourage all of my colleagues to help bring renewed awareness of children with autism.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

SPEECH OF

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

The House in Committee of the Whole House on the State of the Union had under 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:

Mr. STUPAK. Mr. Chair, I am proud to be a co-sponsor of H.R. 627, the Credit Cardholders' Bill of Rights Act.

In this economic crisis, far too many families have been forced to rely on short-term, high-interest credit card debt to pay for food, housing and other basic necessities.

In Northern Michigan, unemployment is at record highs. This has led many families to fall behind on their payments and fall victim to predatory practices of many credit card companies.

This legislation includes several provisions that would protect consumers from these abusive practices.

The bill would protect cardholders from arbitrary interest rate increases, ban collection of interest on amounts already paid, and would also set specific definitions for "prime rate," "fixed rate" and other terms to prevent deceptive use of these terms.

For too long, the credit card industry has preyed upon consumers through omission of honest billing practices, and through loopholes in credit regulation.

I, alongside my colleagues Mr. PRICE, Mr. MILLER, and Mr. MORAN among others, have offered an amendment that requires credit card companies to honestly report a customer's balance on their monthly credit card statement.

This includes reporting the monthly payment amount and total cost to the consumer for them to eliminate their outstanding balance in 12, 24 and 36 months.

I urge my colleagues to support our amendment and to support the underlying bill.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 29, 2009

Ms. MCCOLLUM. Madam Speaker, I rise today in strong support of the Budget Resolution Conference Report (S. Con. Res. 13). As a member of the Budget Committee, I would like to thank Chairman SPRATT for his continued leadership, and President Obama for advancing a budget that embodies our national values.

The serious problems caused by eight years of failed policies, including record deficits, doubling of the national debt and the smallest rate

of job growth in three-quarters of a century, will not be solved overnight. Families across the nation, and in Minnesota, are struggling to make ends meet. Unemployment has soared to 8.5 percent, while health care costs are rising and housing prices continue to decline.

This budget is a new beginning. It charts a course toward economic recovery and signals the end of an era of disinvestment in America's families. Instead of ignoring the economic crisis, this agreement confronts it head-on by making strategic investments in education, health care reform and energy independence to help restore growth at home and keep the U.S. competitive in the global economy.

Today's students are tomorrow's workforce, which is why this resolution makes significant investments in education from early childhood programs to college affordability. This budget also recognizes that health care reform cannot wait: nearly one out of every six Americans is uninsured and many more are underinsured. This resolution takes steps to make health care coverage affordable and available to all, while also improving the quality and safety of patient care. In addition, this budget makes historic investments in renewable energy, energy efficiency and the clean energy research programs America needs to start down the path of energy independence.

After eight years of masking the costs of war and natural disasters, this plan ushers in a new era of honesty and accountability in budgeting. President Obama and this Congress have included estimates of these costs for every year in the budget.

The budget resolution is a blueprint for the future of our country, which recognizes the needs of America's families and will help to restore widely-shared economic prosperity for generations to come. As an important first step in this direction, the budget calls for tax cuts for families who make less than $250,000 and permanently extends the middle-income tax cuts adopted in 2001 and 2003 for middle-income Americans. This plan will also place restraints on areas of unsustainable spending and cut the deficit in half by 2014.

I urge my colleagues to join me in supporting S. Con. Res. 13.

PERSONAL EXPLANATION

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 30, 2009

Mr. RUPPERSBERGER. Madam Speaker, on April 29, 2009 I missed rollcall vote 223, the final passage of H.R. 1913, the Local Law Enforcement Hate Crimes Prevention Act. If I were present for the vote I would have voted "aye." I missed the vote because I was in an Intelligence Committee hearing.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4907–S4997

Measures Introduced: Nineteen bills and six resolutions were introduced, as follows: S. 932–950, S.J. Res. 14, S. Res. 121–124, and S. Con. Res. 22. **Pages S4963–64**

Measures Passed:

Special Inspector General for Afghanistan Reconstruction: Senate passed S. 615, to provide additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction. **Page S4995**

National Sexual Assault Awareness and Prevention Month: Committee on the Judiciary was discharged from further consideration of H. Con. Res. 104, supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month, and the resolution was then agreed to. **Page S4995**

2009 National Crime Victims' Rights Week: Committee on the Judiciary was discharged from further consideration of S. Res. 93, supporting the mission and goals of 2009 National Crime Victims' Rights Week, to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Page S4995**

Schumer Amendment No. 1029, to amend the resolving clause. **Page S4995**

Día de los Niños: Celebrating Young Americans: Senate agreed to S. Res. 122, designating April 30, 2009, as "Día de los Niños: Celebrating Young Americans". **Pages S4995–96**

Vietnamese Refugees Day: Senate agreed to S. Res. 123, expressing support for designation of May 2, 2009, as "Vietnamese Refugees Day". **Page S4996**

World Press Freedom Day: Senate agreed to S. Res. 124, recognizing the threats to press freedom and expression around the world and reaffirming press freedom as a priority in the efforts of the United States to promote democracy and good governance, on the occasion of World Press Freedom Day on May 3, 2009. **Pages S4996–97**

Measures Considered:

Helping Families Save Their Homes Act: Senate began consideration of S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability, taking action on the following amendments proposed thereto: **Pages S4915–38, S4943–53**

Withdrawn:

By 45 yeas to 51 nays (Vote No. 174), Durbin Amendment No. 1014, to prevent mortgage foreclosures and preserve home values. (A unanimous-consent agreement was reached providing that the amendment, having failed to achieve 60 affirmative votes, be withdrawn). **Pages S4915–38**

Pending:

Dodd/Shelby Amendment No. 1018, in the nature of a substitute. **Pages S4938, S4943–53**

Corker Amendment No. 1019 (to Amendment No. 1018), to address safe harbor for certain servicers. **Pages S4944–46**

Vitter Amendment No. 1016 (to Amendment No. 1018), to authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program. **Pages S4946–47**

Vitter Amendment No. 1017 (to Amendment No. 1018), to provide that the primary and foundational responsibility of the Federal Housing Administration shall be to safeguard and preserve the solvency of the Administration. **Pages S4947–48**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Friday, May 1, 2009. **Page S4997**

Nomination Confirmed: Senate confirmed the following nomination:

By 89 yeas 2 nays (Vote No. EX. 175), Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife. **Pages S4938–43, S4997**

Nomination Received: Senate received the following nomination:

Charles A. Blanchard, of Arizona, to be General Counsel of the Department of the Air Force. **Page S4997**

Messages from the House: **Page S4961**

Measures Referred: Pages S4961–62

Measures Placed on the Calendar: Page S4962

Executive Communications: Pages S4962–63

Executive Reports of Committees: Page S4963

Additional Cosponsors: Pages S4964–65

Statements on Introduced Bills/Resolutions: Pages S4965–79

Additional Statements: Pages S4959–61

Amendments Submitted: Pages S4979–94

Authorities for Committees to Meet: Pages S4994–95

Privileges of the Floor: Page S4995

Record Votes: Two record votes were taken today. (Total—175) Pages S4938, S4943

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:15 p.m., until 9:30 a.m. on Friday, May 1, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4997.)

Committee Meetings

(Committees not listed did not meet)

AMERICAN RECOVERY AND REINVESTMENT ACT

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies concluded a hearing to examine the Department of Transportation's implementation of the American Recovery and Reinvestment Act (ARRA), after receiving testimony from Ray LaHood, Secretary, and Calvin L. Scovel III, Inspector General, both of the Department of Transportation.

WAR SUPPLEMENTAL BUDGET

Committee on Appropriations: Committee concluded a hearing to examine the President's proposed budget request for fiscal year 2010 for the War Supplemental, after receiving testimony from Hillary Rodham Clinton, Secretary of State; and Robert M. Gates, Secretary of Defense.

DOD BUDGET RECOMMENDATIONS

Committee on Armed Services: Committee concluded a hearing to examine the Secretary of Defense's 2010 budget recommendations, after receiving testimony from John J. Hamre, Center for Strategic and International Studies, and Andrew F. Krepinevich, Jr., Center for Strategic and Budgetary Assessments, both of Washington, D.C.

U.S. MILITARY AIR POWER

Committee on Armed Services: Subcommittee on Airland concluded a hearing to examine the current and future roles, missions, and capabilities of United States military air power, after receiving testimony from Christopher Bolkcom, Specialist in Military Aviation, Congressional Research Service, Library of Congress; General Richard E. Hawley, USAF, (Ret.), former Commander, Air Force Air Combat Command; and Barry D. Watts, Center for Strategic and Budgetary Assessments, Washington, D.C.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the nominations of Kristina M. Johnson, of Maryland, to be Under Secretary, Steven Elliot Koonin, of California, to be Under Secretary for Science, Ines R. Triay, of New Mexico, to be Assistant Secretary for Environmental Management, and Scott Blake Harris, of Virginia, to be General Counsel, all of the Department of Energy, and Hilary Chandler Tompkins, of New Mexico, to be Solicitor of the Department of the Interior.

NOMINATIONS

Committee on Finance: Committee concluded a hearing to examine the nominations of William V. Corr, of Virginia, to be Deputy Secretary of Health and Human Services, who was introduced by Senator Conrad, Alan B. Krueger, of New Jersey, to be Assistant Secretary of the Treasury for Economic Policy, and Demetrios J. Marantis, of the District of Columbia, to be a Deputy United States Trade Representative, with the rank of Ambassador, after the nominees testified and answered questions in their own behalf.

PIRACY OFF COAST OF SOMALIA

Committee on Foreign Relations: Committee concluded a hearing to examine confronting piracy off the coast of Somalia, after receiving testimony from Stephen D. Mull, Senior Adviser to the Under Secretary of State for Political Affairs; John P. Clancey, Maersk, Inc., Charlotte, North Carolina; and Richard Phillips, Maersk Alabama, Burlington, Vermont.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Ivan K. Fong, of Ohio, to be General Counsel, who was introduced by Senator Brown, and Timothy W. Manning, of New Mexico, to be Deputy Administrator for National Preparedness, Federal Emergency Management Agency, who was introduced by Senator Bingaman, both of the Department of Homeland Security, after the nominees testified and answered questions in their own behalf.

NATIONAL SECURITY REFORM

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine national security reform, focusing on implementing a national security service workforce, after receiving testimony from former Senator Bob Graham, Chairman, Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism; Nancy H. Kichak, Associate Director, Strategic Human Resources Policy, Office of Personnel Management; Major General William A. Navas, Jr., USA, (Ret.), Executive Director, National Security Professional Development Integration Office; Ronald P. Sanders, Associate Director for Human Capital, Office of the Director of National Intelligence; Thomas R. Pickering, former Under Secretary of State for Political Affairs; and James R. Thompson, University of Illinois at Chicago.

PRIMARY HEALTH CARE ACCESS REFORM

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine primary health care access reform, focusing on community health centers and the national health service corps, after receiving testimony from Cynthia A. Bascetta, Director, Health Care, Government Accountability Office; Daniel R. Hawkins, Jr., National Association of Community Health Centers, Bethesda, Maryland; Fitzhugh Mullan, George Washington University, Washington, D.C.; Caswell Evans, University of Illinois at Chicago College of Dentistry, on behalf of the American Dental Education Association; Yvonne Davis, Health Care Partners of South Carolina, Inc., Florence; Lisa Nichols, Midtown Community Health Center, Ogden, Utah; and John D. Matthew, Plainfield, Vermont.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported S. 151, to protect Indian arts and crafts through the improvement of applicable criminal proceedings.

Also, committee ordered favorably reported the nomination of Yvette Roubideaux, of Arizona, to be Director of the Indian Health Service, Department of Health and Human Services.

IMMIGRATION REFORM

Committee on the Judiciary: Committee concluded a hearing to examine comprehensive immigration reform in 2009, after receiving testimony from Alan Greenspan, former Chairman, Board of Governors of the Federal Reserve System; Joel C. Hunter, Member, President's Advisory Council on Faith-Based and Neighborhood Partnerships, Longwood, Florida; J. Thomas Manger, Montgomery County Chief of Police, Rockville, Maryland, on behalf of Major Cities Chiefs Association's Legislative Committee; Jeff Moseley, Greater Houston Partnership, Houston, Texas; Doris Meissner, Migration Policy Institute, Eliseo Medina, Service Employees International Union, and Wade Henderson, Leadership Conference on Civil Rights, all of Washington, D.C.; and Kris W. Kobach, University of Missouri at Kansas City School of Law.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 42 public bills, H.R. 2183–2224; 1 private bill, H.R. 2225; and 18 resolutions, H.J. Res. 46–48; H. Con. Res. 115–116; and H. Res. 381–393, were introduced. **Pages H5060–62**

Additional Cosponsors: **Pages H5062–64**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Tauscher to act as Speaker pro tempore for today. **Page H5001**

Committee Elections: The House agreed to H. Res. 381, electing the following Members to certain standing committees of the House of Representatives: Committee on Agriculture: Representative Murphy (NY) (to rank immediately after Representative Boccieri). Committee on Armed Services: Representatives Murphy (NY) and Boren. Committee on the Judiciary: Representative Quigley (to rank immediately after Representative Pierluisi). Committee on Oversight and Government Reform: Representative Quigley (to rank immediately after Representative Connolly (VA)) and Representative Kaptur (to rank immediately after Representative Quigley). **Page H5012**

Credit Cardholders' Bill of Rights Act of 2009: The House passed 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, by a recorded vote of 357 ayes to 70 noes, Roll No. 228. Consideration of the measure began on Wednesday, April 29th. **Pages H5013–41**

Rejected the Roskam motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House forthwith with instructions, by a recorded vote of 164 ayes to 263 noes, Roll No. 227. **Pages H5039–41**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H5013**

Agreed to:

Gutierrez amendment (No. 1 printed in H. Rept. 111–92) that allows issuers to charge consumers for expedited payments by telephone when consumers request such an expedited payment, and makes technical corrections; requires that all credit card offers notify prospective applicants that excessive credit applications can adversely affect their credit rating; directs 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; requires 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 requires 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; **Pages H5016–18**

Frank (MA) amendment (No. 2 printed in H. Rept. 111–92) that requires 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; **Pages H5018–19**

Gutierrez amendment (No. 4 printed in H. Rept. 111–92) that requires 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; **Pages H5021–22**

Pingree amendment (No. 5 printed in H. Rept. 111–92) that requires 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; **Pages H5022–23**

Polis amendment (No. 6 printed in H. Rept. 111–92) that clarifies that minors are allowed to have a credit card in their name on their parent or legal guardian's account; **Page H5023**

Jones (NC) amendment (No. 7 printed in H. Rept. 111–92) that requires 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; **Pages H5023–25**

Minnick amendment (No. 11 printed in H. Rept. 111–92) that provides 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; **Page H5029**

Price (NC) amendment (No. 12 printed in H. Rept. 111–92) that requires 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. Requires 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; **Pages H5029–31**

Gutierrez amendment (No. 13 printed in H. Rept. 111–92) that requires 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; **Pages H5031–33**

Perriello amendment (No. 14 printed in H. Rept. 111–92) that requires a 6-month period for a promotional rate for credit cards before the standard rate may be increased; **Pages H5033–34**

Schauer amendment (No. 15 printed in H. Rept. 111–92) that requires creditors to post their credit card written agreements on their websites, and requires the Board to compile and report those agreements on its website; **Pages H5034–35**

Teague amendment (No. 16 printed in H. Rept. 111–92) that restricts 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; **Pages H5035–36**

Schock amendment (No. 17 printed in H. Rept. 111–92) that allows 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; **Pages H5036–37**

Slaughter amendment (No. 3 printed in H. Rept. 111–92) that sets 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 (by a recorded vote of 276 ayes to 154 noes, Roll No. 225); and **Pages H5019–21, H5037–38**

Maloney amendment (No. 8 printed in H. Rept. 111–92) that requires 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 (by a recorded vote of 284 ayes to 149 noes, Roll No. 226). **Pages H5025–26, H5038–39**

Rejected:

Hensarling amendment (No. 9 printed in H. Rept. 111–92) that would have allowed issuers to raise rates on existing balances if they provided 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 and **Pages H5026–27**

Hensarling amendment (No. 10 printed in H. Rept. 111–92) that would have allowed 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. **Pages H5027–29**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Pages H5043–44**

H. Res. 379, the rule providing for further consideration of the bill, was agreed to by a yea-and-nay vote of 249 yeas to 175 nays, Roll No. 224, after agreeing to order the previous question without objection. **Pages H5003–12, H5012–13**

Commission to Study the Potential Creation of a National Museum of the American Latino—Appointment: Read a letter from Representative Boehner, Minority Leader, in which he appointed Mr. Nelson Albareda of Miami, Florida to the Commission to Study the Potential Creation of a National Museum of the American Latino. **Pages H5041–12**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday, May 4th for morning hour debate. **Page H5043**

Quorum Calls—Votes: One yea-and-nay vote and four recorded votes developed during the proceedings of today and appear on pages H5012–13, H5037–38, H5038–39, H5040–41, amd H5041. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 6:05 p.m.

Committee Meetings

MAJOR WEAPONS SYSTEM ACQUISITION REFORM

Committee on Armed Services: Held a hearing on reform of major weapons system acquisition and related legislative proposals. Testimony was heard from the following former officials of the Department of Defense: David Berteau, Principal Deputy Assistant Secretary, Production and Logistics; Rudy deLeon, Deputy Secretary; and David S.C. Chu; Under Secretary, Personnel and Readiness, and Director, Program Analysis and Evaluation; and Paul Francis, Director, Acquisitions and Sourcing Management, GAO.

SPACE SYSTEM ACQUISITIONS

Committee on Armed Services: Subcommittee on Strategic Force held a hearing on space system acquisitions and the industrial base. Testimony was heard from Joshua T. Hartman, Director, Space and Intelligence Capabilities Office, Senior Advisor to the Under Secretary for Acquisition, Technology and Logistics, Department of Defense; Cristina T. Chaplain, Director, Acquisition and Sourcing Management, GAO; and a public witness.

WORKPLACE HEALTH/SAFETY VIOLATION ENFORCEMENT

Committee on Education and Labor: Subcommittee on Workforce Protections held a hearing on Improving OSHA's Enhanced Enforcement Programs. Testimony was heard from the following officials of the Department of Labor: Jordan Barab, Acting Assistant Secretary, Occupational Safety and Health Administration; and Elliot Lewis, Assistant Inspector General, Audits; and public witnesses.

FEDERAL SWINE FLU RESPONSE

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled "Swine Flu Outbreak and the U.S. Federal Response." Testimony was heard from the following officials of the Department of Health and Human Services: RADM Anne Schuchat, M.D., Interim Deputy Director, Science and Public Health Program, Centers for Disease Control and Prevention; Joshua M. Sharfstein, M.D., Acting Commissioner, FDA; and RADM W. Craig Vanderwagen, M.D., USN, Assistant Secretary, Preparedness and Response.

COMBATING MARITIME PIRACY

Committee on Foreign Affairs: Subcommittee on International Organizations, Human Rights, and Oversight held a hearing on International Efforts to Combat Maritime Piracy. Testimony was heard from Stephen D. Mull, Senior Advisor to the Under Secretary, Political Affairs, Department of State; and RADM William D. Baumgartner, USCG, Judge Advocate General and Chief Counsel, U.S. Coast Guard, Department of Homeland Security.

BRIEFING—COMBATING VIOLENCE -U.S.-MEXICO BORDER REGION

Committee on Homeland Security: Subcommittee on Border, Maritime, and Global Counterterrorism. Members received a briefing to provide an update on the Department of Homeland Security's efforts to combat violence in the U.S.-Mexico border region They were briefed by Alan Bersin, Assistant Secretary, International Affairs and Special Representative for Border Affairs, Department of Homeland Security.

BRIEFING—INTEROPERABLE EMERGENCY COMMUNICATIONS

Committee on Homeland Security: Subcommittee on Emergency Communications, Preparedness and Response. Members received a briefing on the Department of Homeland Security's progress on the issue of interoperable emergency communications. They were briefed by the following officials of the Department of Homeland Security: Chris Essid, Director; and Taylor Heard, Deputy Director, both with Emergency Communications.

PATENT REFORM ACT OF 2009

Committee on the Judiciary: Hearing on H.R. 1260, Patent Reform Act of 2009. Testimony was heard from public witnesses.

SCIENCE'S REGULATORY REFORM ROLE

Committee on Science and Technology: Subcommittee on Investigations and Oversight held a hearing on the Role of Science in the Regulatory Reform. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Small Business: Subcommittee on Rural Development, Entrepreneurship and Trade approved for full Committee action the following bills: H.R. 1803, Veterans Business Center Act of 2009; H.R. 1807, Educating Entrepreneurs through Today's Technology Act; H.R. 1834, Native American Business Development Enhancement Act of 2009; H.R. 1838, To amend the Small Business Act to modify certain provisions relating to women's business centers; H.R. 1839, To amend the Small Business Act to improve SCORE, and for other purposes; H.R. 1842, Expanding Entrepreneurship Act of 2009; and H.R. 1845, Small Business Development Centers Modernization Act of 2009.

COAL COMBUSTION WASTE STORAGE AND WATER QUALITY

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing on Coal Combustion Waste Storage and Water Quality. Testimony was heard from the following officials of the EPA: Barry Breen, Acting Assistant Administrator, Office of Solid Waste and Emergency Response; Michael Shapiro, Acting Assistant Administrator, Office of Water; and Catherine McCabe, Acting Assistant Administrator, Office of Enforcement and Compliance Assurance; Shari Wilson, Secretary, Department of the Environment, Maryland; and public witnesses.

VETERANS MENTAL HEALTH NEEDS

Committee on Veterans' Affairs: Subcommittee on Health, hearing on Charting the VA's Progress on meeting the Mental Health Needs of our Veterans: Discussion of Funding, Mental Health Strategic Plan, and the Uniform Mental Health Services Handbook. Testimony was heard from the following officials of the Department of Veterans Affairs: Michael Sheperd, M.D., Senior Physician, Office of Healthcare Inspections, Office of the Inspector General; and Ira Katz, M.D., Deputy Chief, Patient Care Services Officer, Mental Health Services, Veterans Administration; representatives of veterans organizations; and public witnesses.

BRIEFING—AFGHANISTAN

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Afghanistan. The Committee was briefed by departmental witnesses.

Joint Meetings

ECONOMIC OUTLOOK

Joint Economic Committee: Committee concluded a hearing to examine the economic outlook, after receiving testimony from Christina D. Romer, Chair, Council of Economic Advisers.

COMMITTEE MEETINGS FOR FRIDAY, MAY 1, 2009

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing on The Bowl Championship Series: Money and Other Issues of Fairness for Publicly Financed Universities, 10 a.m., 2123 Rayburn.

Subcommittee on Communications, Technology and the Internet, hearing on Cybersecurity: Network Threats and Policy Challenges, 1 p.m., 2123 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Friday, May 1

Senate Chamber

Program for Friday: Senate will continue consideration of S. 896, Helping Families Save Their Homes Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, May 4

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Baldwin, Tammy, Wisc., E1023
Barton, Joe, Tex., E1022
Berman, Howard L., Calif., E1033
Blunt, Roy, Mo., E1023
Boyd, Allen, Fla., E1024
Burgess, Michael C., Tex., E1037, E1037
Butterfield, G.K., N.C., E1039
Connolly, Gerald E., Va., E1042
Cuellar, Henry, Tex., E1034
Delahunt, William D., Mass., E1021
Dicks, Norman D., Wash., E1029
Dingell, John D., Mich., E1027, E1039
Ehlers, Vernon J., Mich., E1040
Etheridge, Bob, N.C., E1032
Gerlach, Jim, Pa., E1038, E1039
Giffords, Gabrielle, Ariz., E1030
Gingrey, Phil, Ga., E1034
Graves, Sam, Mo., E1021
Green, Gene, Tex., E1022
Grijalva, Raúl M., Ariz., E1025
Hastings, Alcee L., Fla., E1028
Higgins, Brian, N.Y., E1031, E1032
Hirono, Mazie K., Hawaii, E1024
Jackson-Lee, Sheila, Tex., E1041
Kissell, Larry, N.C., E1024
Kucinich, Dennis J., Ohio, E1032, E1033, E1034, E1036
Langevin, James R., R.I., E1032, E1038
Latham, Tom, Iowa, E1036, E1037, E1038
Lewis, John, Ga., E1033, E1038
McCarthy, Carolyn, N.Y., E1031
McCollum, Betty, Minn., E1028, E1040, E1043
McCotter, Thaddeus G., Mich., E1039
McGovern, James P., Mass., E1027
Maloney, Carolyn B., N.Y., E1022, E1031
Meek, Kendrick B., Fla., E1030
Mica, John L., Fla., E1022
Miller, George, Calif., E1024
Mitchell, Harry E., Ariz., E1021
Murphy, Patrick J., Pa., E1026
Murphy, Tim, Pa., E1043
Nadler, Jerrold, N.Y., E1023
Paul, Ron, Tex., E1026, E1036
Perlmutter, Ed, Colo., E1021, E1022, E1023, E1024, E1025, E1026, E1027, E1028, E1029, E1030
Perriello, Thomas S.P., Va., E1027
Petri, Thomas E., Wisc., E1035
Pomeroy, Earl, N.D., E1033
Radanovich, George, Calif., E1024
Rangel, Charles B., N.Y., E1036
Reichert, David G., Wash., E1032, E1040, E1043
Ruppersberger, C.A. Dutch, Md., E1042, E1044
Schakowsky, Janice D., Ill., E1035
Smith, Lamar, Tex., E1026
Stupak, Bart, Mich., E1043
Thompson, Bennie G., Miss., E1025, E1037
Thompson, Mike, Calif., E1040
Upton, Fred, Mich., E1043
Waxman, Henry A., Calif., E1039
Wexler, Robert, Fla., E1028
Wilson, Joe, S.C., E1027

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.