

the banks to aggressively implement it.

Under this program the banks get paid—bribed really—with several thousand dollars for every mortgage they modify to keep families in their homes. Let me tell you what the data released by the Treasury Department this week tells us about this program which gave money to banks to renegotiate mortgages. Only 125,000 modifications under this program were started last month by the mortgage servicers, even though nearly 3 million homeowners were eligible for these modifications.

Let me do the math—125,000 out of 3 million. If I understand that correctly, we are dealing roughly with 1/24th of those who were eligible for modification who actually got help. That is about 4 percent.

Bank of America has started modifications with just 7 percent of their homeowners that were eligible; Wells Fargo, only 11 percent; American Home Mortgage Servicing has nearly 100,000 troubled borrowers eligible for mortgage modification offers yet less than 1 percent of these borrowers have even received an offer.

The situation is deplorable. If the banks don't start offering money and modifications to these families, perhaps Congress needs to make the banks some offers they can't refuse. We have tried this voluntary approach for too long and it has failed. The banks are not voluntarily going to step up to this responsibility of negotiating and renegotiating a mortgage so people can stay in their homes. Maybe we should fine banks for not following the administration's plan rules. Maybe we should provide matching funds for States and municipalities that decide to require mandatory face-to-face arbitration between a bank and a homeowner before a bank can ask for a foreclosure. Maybe we should ensure families have the right to rent their home after a bank takes it over until the home can be sold. And maybe we should look again to changing the Bankruptcy Code to allow judges to help families save their primary loans.

This is called cram-down by its critics, but it is a basic change in bankruptcy law, which I have brought to the floor of the Senate twice and lost. I lost because the banks said: Don't worry about it, we are going to take care of this. They are not. The situation is getting worse by the day.

Last week I was in Chicago and went to an area known as Marquette Park on the south side of the city. I have been visiting that neighborhood for years. It has changed a lot. Originally it was an area where many Lithuanian Americans settled. My mother was an immigrant from Lithuania, and I used to take her there when she was alive. We would go to the bakeries and restaurants, and it was a wonderful neighborhood. It has changed many times. It is now primarily a Black and Hispanic neighborhood. As you visit some of the folks who have lived in that neighbor-

hood for 10, 15, 20 years now, you see a lot of proud homeowners.

I met a family—a man who said he had been in his home 19 years. Obviously, he was retired. His wife was there. They had a well kept, neat yard. I talked to him about his street because right across the street from him was an eyesore that no one would want to wake up to every morning. It was a brand-new home built and abandoned about 2 years ago. It had been boarded up and vandalized. They had ripped out all the copper plumbing and anything they could take out of it. It was a home that, sadly, had become a haven for homeless people and vagrants, drug activity, and gangs. Welcome to my neighborhood.

I thought about this poor man, who had devoted his whole life to his little home that he loved, and that he and his wife were keeping so neat, now had to look across the street to that mess every morning for 2 straight years. It wasn't the only home on the block. Three doors down there was another one, all boarded up and falling apart; a few doors down the other direction, exactly the same thing.

I went through this area with a community group called SWOP—Southwest Organizing Project. They work with a lot of churches and individuals trying to keep people in their homes. I asked: What is the problem? Well, they said, we have some major banks that are holding these mortgages in foreclosure and won't lift a finger.

Deutsch Bank, you hear about Deutsch Bank. Don't they sponsor tennis or golf or something? I can't keep up with their image building. But I can tell you they are not building their image in this neighborhood in Chicago. They are nowhere to be found. They are not even talking to these people about their homes.

U.S. Bank out of Minnesota, another situation, similar situation. We don't have buy-in by these banks to help these families. They would much rather let these homes go into foreclosure—bank ownership, as they call it—and sit there rotting, destroying these good neighborhoods in the city of Chicago, bringing down the value of the homes around them, creating crime havens for those who use these abandoned homes. They are nowhere to be found.

What is the answer, Mr. President? The answer is we have asked these banks and many others to volunteer to solve the problem. Guess what. There aren't enough hands going up, not enough banks volunteering. A few of them are starting to try, and I want to give credit to Bank of America, which is working with SWOP and others to try to renegotiate mortgages, but it is still a halfhearted effort. They could do a lot more.

I could go through the long list of banks, including banks that I have worked with in the past and thought pretty highly of. They aren't getting involved. There is no reason for them to because our government and our

Congress tell them they do not have to, and they do not. Well, that has to change.

All told, I hope this economy recovers quickly and that Americans can get back to work. I don't think it is going to happen until the housing market stabilizes. If the banks will not help us get that done on their own, it is time to consider something radical—a change in the law. Where would be a good place to start with the change in the law? How about the Senate? How about the Senate making the Bankruptcy Code so that a judge can say to that bank owning that home: Incidentally, the last stop in bankruptcy is my courtroom. If you don't sit down and negotiate with that homeowner, who still has a job and still can make a payment, this court is going to impose new terms in terms of principal and interest.

Does that sound like a radical idea? It is not radical if you are talking about a second home because the bankruptcy court can already do that. It is not radical if you are talking about a vacation home because a bankruptcy court can already do it. But under our law they cannot touch that primary residence. It is a bad idea, and as a result the banks and their lobbyists have prevailed twice on the floor of the Senate. They rolled over this effort to reform, and they sit there and watch America's neighborhoods, America's communities, America's towns and cities deteriorating before our eyes.

Well, the lesson is clear for the Obama administration, for Secretary Geithner, and others. Waiting for these banks to act voluntarily, to show good faith in dealing with our foreclosure crisis is not paying off. It is time for the Senate to step forward, show its own leadership when it comes to dealing with this national housing crisis.

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#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

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

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#### COMMENDING THE SECRETARY OF STATE

Mr. FEINGOLD. Mr. President, I commend Secretary Clinton on her visit to Africa last month. Over 11 days, Secretary Clinton traveled to several of the most influential countries on the continent and directly addressed some of the most sensitive and critical issues facing them and their neighbors. It was one of the most, if not the most, ambitious trips by a Secretary of State to sub-Saharan Africa in U.S. history. This trip, combined with President Obama's visit earlier

this year to Ghana, sends a strong signal that the administration is committed to making Africa not only a priority, but also an integral part of overall U.S. foreign policy. The challenge going forward is to sustain a high level of engagement with each of the countries that Secretary Clinton visited and back up that engagement with resources that can make a tangible difference.

On her first stop in Kenya, I am glad that Secretary Clinton took a strong stand against extrajudicial killings, corruption, and the continued failure to prosecute those most responsible for violence after the December 2007 election. As Secretary Clinton said, these conditions are holding Kenya back from realizing its potential. Worse yet, if these conditions persist, we could see a renewal of violence, especially in the run-up to Kenya's next elections set for 2012. Together with other international partners, we need to keep pressing Kenya's leaders to deliver on the reforms they have pledged, beginning with reform of the police and judiciary. At the same time, we should prepare targeted assistance that can be provided as soon as initial steps are taken toward those reforms. The United States and Kenya have longstanding and historic ties, and we need to help Kenyans get through this difficult period.

While in Nairobi, I am also pleased that Secretary Clinton focused on the dangerous situation in neighboring Somalia and met with President Sheikh Sharif of Somalia's beleaguered Transitional Federal Government, the TFG. I have long urged the Obama administration to engage with Sharif at a high level and I am glad that the administration is finally doing this, as well as taking seriously the threat posed by al Shebaab, an extremist group with ties to alQaida. However, going forward, we cannot repeat the mistake of focusing too narrowly on short-term gains in Somalia without a long-term strategy. As we help the TFG combat insurgents, we simultaneously need to help it to advance political reconciliation and deliver critically needed basic services. The TFG's ultimate success rests on whether it can establish a viable government that is perceived as legitimate and inclusive, representative of and responsive to the Somali people.

Secretary Clinton traveled next to South Africa. Over recent years, our relationship with South Africa has cooled considerably, undermining our ability to coordinate and work together on issues of mutual interest. Yet I believe there is an opportunity now to reverse that trend with our new administration and South Africa's new administration under President Jacob Zuma. I am pleased that Secretary Clinton seized upon that opportunity with her visit, committing to deepening and broadening our bilateral relationship in a range of areas from HIV prevention to nuclear nonproliferation to climate change. Moreover, she talked with South Africa about how we

can better coordinate our efforts to address regional challenges, beginning with the situation in Zimbabwe. We need to institutionalize such coordination, while continuing to encourage South Africa to be a leader in human rights and peacebuilding on the continent.

Secretary Clinton's next stop was Angola, a country that is quickly becoming an economic powerhouse and regional leader. As Angola continues to rebuild from decades of civil war, there is a new openness to engaging with the United States, especially as the government seeks to diversify their economy. I am pleased that Secretary Clinton seized upon this potential by visiting Angola and committed to a "comprehensive strategic partnership." She agreed to expand our engagement not only in the areas of trade and agriculture, but also in health, education and governance. Governance is particularly important because while Angola has taken some positive steps to increase transparency and efficiency, there is still a long way to go. To that end, I am especially glad that Secretary Clinton spoke to the Angolan National Assembly about its role in demanding accountability and transparency, and standing against corruption and abuses of power. We need to continue to engage on these issues and encourage Angola's democratization process.

Secretary Clinton next traveled to the Democratic Republic of Congo, with a visit to the eastern city of Goma. I applaud her for choosing to focus on the crisis in the eastern Congo, which has gone neglected for too long despite its unrivaled human toll and the unspeakable levels of sexual violence. Secretary Clinton committed to new efforts to help prevent and respond to the high levels of gender and sexual violence, while also recognizing the need to address the root causes of Congo's crisis, including the exploitation of natural resources by armed groups. Taking action to address those underlying causes is difficult, but essential. Senators Brownback, Durbin and I have introduced legislation that would commit the United States to do more on conflict minerals, and I look forward to working with the administration in this regard. I also look forward to working with the administration to help bring an end to the increasing violence by the Lord's Resistance Army in northeastern Congo.

Following Congo, Secretary Clinton's next stop was Nigeria—a critically important country in sub-Saharan Africa and a strategic partner and major source of oil imports to the United States. I continue to be very concerned about the direction in which Nigeria is heading, especially with regards to corruption and the rule of law. I am glad that Secretary Clinton touched on these issues, and we must continue to press for meaningful reforms to enhance government transparency, accountability and the independence of

the election commission. In addition, I am pleased that Secretary Clinton discussed the unresolved crisis in the Niger Delta and pledged to review how we might better assist the government's efforts to promote stability there. I look forward to working with her as well in that regard. However, to be successful, the Nigerian government must expand its current amnesty offer to a broader peace process that includes measures to address the marginalization and underdevelopment of the region.

Secretary Clinton traveled then to Liberia, a country with which we have historic ties. Secretary Clinton was right to highlight the progress that Liberia has made since its civil war, while also speaking frankly about the challenges that the country continues to face. I am glad that she chose to speak at the Liberian National Police Academy and pledged new funds for police training. While great strides have been made in reforming Liberia's military, there is still great need to improve the capacity and professionalism of its police force. In addition, Secretary Clinton focused on corruption and spoke directly about this in a speech to the National Legislature. We need to continue to work with all parts of the Liberian government to guard against corruption and other abuses, both in their democratic process and in its management of the country's rich natural resources, especially timber.

Finally, Secretary Clinton visited Cape Verde, a country that has made great progress in terms of both economic growth and democratization. Cape Verde provided a perfect backdrop to reiterate the two major themes of her trip: first, that America believes in Africa's promise, and second, that Africa's future is ultimately in the hands of Africans. Secretary Clinton delivered these messages powerfully and I believe they can be the foundation for a new era of U.S. engagement and partnerships with Africa. The challenge going forward is to give substance to these words and the commitments that were made throughout Secretary Clinton's trip. I look forward to working with her and the administration to do this. It will not be easy and it will require sustained engagement, greater diplomatic capacity, and new targeted resources. But if we get this right, I strongly believe the benefits for Americans and Africans can be immense in terms of our security and prosperity.

#### FETAL ALCOHOL SPECTRUM DISORDER

Ms. MURKOWSKI. Mr. President, I rise today to honor this Wednesday, September 9, National Fetal Alcohol Spectrum Disorders Day which recognizes those individuals born with a continuum of serious, life-long disorders caused by prenatal exposure to alcohol, which include fetal alcohol syndrome, alcohol-related neurodevelopmental disorders, and alcohol-related birth defects.