The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 5, not voting 18, as follows:

[Roll No. 844]

YEAS—409

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

NAYS—5

Bishop (UT)
Campbell
Franks (AZ)
McClintock
Paul

NOT VOTING—18

Barrett (SC)
Boehner
Braley (IA)
Butterfield
Cassidy
Davis (TN)
Deal (GA)
Gerlach
Kanjorski
McCarthy (NY)
McNerney
Moore (WI)
Murphy, Patrick
Nunes
Rothman (NJ)
Sánchez, Linda T.
Schrader
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1200

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1200

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 3639 and insert extraneous material thereon.

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

There was no objection.

EXPEDITED CARD REFORM FOR CONSUMERS ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 884 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3639.

□ 1201

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 consideration of the bill (H.R. 3639) to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes, with Mr. PASTOR of Arizona in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Texas (Mr. HENSARLING) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I recognize for 4 minutes the prime mover of this bill, the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 3639, the Expedited CARD Reform for Consumers Act of 2009. I thank the chairman of the Financial Services Committee, BARNEY FRANK, for his leadership on this issue and so many others, and Senator DODD for championing this issue in the Senate.

This bill would simply move up the effective date of the remaining provisions of the Credit Card Reform Act, which we passed earlier this year, from February 2010 to December 1, 2009, just in time for the holiday shopping season.

It is truly unfortunate that we are on the floor today having to take this step, but the credit card companies brought it on themselves. Rather than use the months after the date that it was signed into law in May to update their systems to get ready for the new reforms, they have used this time to raise interest rates unfairly at any time and for any reason on consumers retroactively on their balances, capturing many of them in never-ending cycles of debt. They are practicing the double-cycle billing, charging rates on interest that has already been paid and raising rates for unrelated reasons. Consumers are justly outraged, and they have come to their Congress Members and to this Congress asking for relief.

Just last week, the Pew Foundation issued a report that showed that interest rates have shot up by 20 percent—the average interest rate is 20 percent—and 90 percent of all credit card

debt that is out there has had an interest rate increase since the President signed the bill into law.

The Pew report also found that 100 percent of bank cards were using practices that the Federal Reserve has called unfair, deceptive, and anticompetitive. This troubling information followed report after report from other not-for-profits, from other Members of Congress, from our constituents, and from the news media that have showed that interest rates have climbed 18 percent—in some cases 30 percent—for absolutely no reason for customers that are paying on time and not going over their limit.

The original implementation date for the bill that I proposed was 90 days after enactment, but many Members of this body wanted to give the credit card companies more time to implement the reforms to get their systems in place, yet they have used this time to gouge consumers and to raise rates. We had ended up, in deliberations with the bill, with a staged implementation rate, that in August of 2009 a notice would go in of 45 days of any rate increases, but the bulk of these reforms would go into place in February of 2010. What we are doing is moving this date up by 5 months, giving relief and protection to consumers and working to help them.

The extraordinary breadth and depth of the interest rate hikes that consumers are suffering from speak to the importance of passing this important bill. I thank my colleagues on both sides of the aisle that have been supportive, and especially to the chairman.

Mr. HENSARLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not believe there is ever a good time to enact a bad law. And unfortunately, although there are some good provisions in the underlying credit card legislation, ultimately many of us predicted that if it passed, credit would become more expensive and less available to millions of Americans, and that's exactly what we see.

Now, the good part of the bill is, clearly, there have been misleading and deceptive practices by some credit card companies. We need to have better disclosure, more effective disclosure so people understand the credit relationships in which they enter. But, Mr. Chairman, we are in the midst of a huge credit contraction that's taking place today; jobs are being lost and people are having trouble accessing credit for their personal lives and for small businesses. Unfortunately, ultimately this underlying legislation on which one of three effective dates is moved up—or two of the three effective dates are moved up by the bill that is before us—will essentially exacerbate that trend. In many respects, Mr. Chairman, I hate to say I told you so, but we told you so. And so, again, all we're going to do is make a bad situation worse.

Already we have seen, for example, a recent article in USA Today, let me quote from it, October 23, ''Curtis Arnold, founder of creditratings.com, said he expected credit card issuers to raise annual fees after the legislation was enacted.'' Sure enough, Mr. Chairman, that's exactly what we see.

Let me quote from The Wall Street Journal. ''Other issuers, such as Bank of America, JPMorgan Chase Card Services, and Discover, recently converted customer fixed rates to variable ones.''

New York Times, ''Now Congress is moving to limit the penalties on riskier borrowers''—which is exactly what the underlying legislation did, Mr. Chairman. Let me continue on—''who have become a prime source of billions of dollars in fee revenue for the industry. And to make up for the lost income, the card companies are going after those people with sterling credit.''

So now we also find out—again, from USA Today—that starting next year Bank of America will charge a number of customers an annual fee ranging from $29 to $99. We see that, in the same article from USA Today, Citigroup has started charging annual fees to cardholders.

And so, again, Mr. Chairman, we have the testimony. Many of us predicted this. As I said way back in March, make no mistake about it, if this bill passes, it's going to be a lot harder for people to access the credit they need to pay their bills, cover medical emergencies, or finance large purchases.

And so all over America people are getting these notices in the mail—including the Hensarling family of Dallas, Texas, where all of a sudden I've seen our own interest rates skyrocket from 15 percent to 23 percent. And with very few exceptions, my wife and I pay our balance in full at the end of the month. It's the half of America that pays their bills on time, in full that are now having to subsidize those who don't through an act of Congress.

So I think we all agree, nobody likes what's happening in America, but the question is, who's responsible? I believe this underlying piece of legislation is exacerbating a huge credit contraction that's already taking place in the economy.

And, Mr. Chairman, it just couldn't come at a worse time. I mean, as we know, apparently on Friday or Saturday this body will vote on a huge government takeover of our health care bill which could cost easily, even according to CBO, over $1 trillion that ultimately has to be paid for by the American people.

We've seen estimates again that premiums will rise, particularly for young, healthy people, young, healthy people who may be getting these notices in the mail today that all of a sudden maybe their credit cards have been yanked and maybe their interest rates have gone up. At the same time when we are staring in the face of an over $1 trillion health care bill, a bill that could impose a 2.5 percent penalty, again, on young people who may not be able to afford insurance, but they could be penalized 2.5 percent. Well, if you take away their credit cards, how are they going to be able to pay the 2.5 percent tax if they don't buy the government improved health insurance?

Mr. Chairman, how about small businesses? If small businesses find that their credit cards have their interest rates skyrocket or taken away, how are they going to be able to pay the 8 percent pay-or-play tax which is in the Pelosi government takeover of health care bill?

How about the other surcharge that would go to a number of small businesses, supposedly raising half a trillion dollars? Again, we know a lot of small businesses access credit through credit cards. So if we take an underlying bad bill that's exacerbating a credit crunch and all we do is accelerate the effective date, I mean, how, again, are tens of thousands of small businesses going to be able to pay the 8 percent new pay-or-play tax in the Pelosi takeover of our health care system bill?

How about the 2.5 percent medical device tax, or the 2.5 percent what some are calling the ''wheelchair tax''? Again, a number of our seniors rely on credit cards. Now they have Medigap policies. They need those credit cards for medical expenses, especially if the majority is about to impose a 2.5 percent wheelchair tax upon the American people.

Why are we going to pass a bill, again, in the middle of a huge credit contraction that is only going to exacerbate the matter, make matters worse, take away credit cards, make interest rates go up, make credit less available and more expensive at a time when we are threatened with this $1 trillion government takeover of health care legislation?

□ 1215

Again, I want to emphasize, Mr. Chairman, that there is at least one good part of the legislation, which is that we do need effective disclosure and that we need competitive markets. But when you start taking away the ability of companies to price for risk, the people who do it right end up bailing out a number of people who don't, and those who don't—and for some of whom it may not be through any fault of their own—find that they no longer have credit opportunities at a time when many are facing a 2½ percent tax if they don't buy the government-improved health insurance. They are facing a 2½ percent tax if they need a wheeled chair, maybe even a replacement hip. I suppose that's also defined as a ''medical device'' under the Pelosi government takeover of our health care system legislation. Small businesses face the 8 percent pay-or-play tax.

Again, even if you thought that the underlying legislation was good, how could the timing not be worse?

If you were to ask the American people, number one, if those who pay their bills on time shouldn't be punished for those who don't, and of those who don't, if they had a choice of paying a higher interest rate or of having their credit cards taken away from them, my guess is a number of them would choose the higher interest rate.

But Congress has taken that decision away from them by enacting the underlying bill, if we choose to enact this bill, which will simply hasten what is already a bad process which is making credit less available and more expensive to thousands of small businesses and to millions of Americans as we're facing a government takeover of our health care system.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, demonstrating that we bear no ill will to those who have deserted us, I yield 2 minutes to a former member of the committee, the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Let me thank the gentleman for yielding. I will say I do miss you and miss serving on your committee, but I want to thank you for your leadership and for everything you're doing to try to help shepherd our economic recovery.

Mr. Chairman, let me just say how pleased I am to support H.R. 3639, the Expedited CARD Reform for Consumers Act.

I have to thank Congresswoman MALONEY and you for following through on the promise that you made. I don't know if you remember this, Mr. Chairman, but on the floor, you made a promise to Congressman WATT and to me on April 30, which is when the House passed these critical protections for credit card holders. I had gone to the Rules Committee to actually put this 90-day deadline back into the CARD legislation via an amendment, but I did withdraw my amendment based on the assurances of the chairman that, in his words, if banks are using the time—and this is what you said, Mr. Chairman—to take advantage of consumers and if they're trying to get in some last licks before the rule goes into effect, we would speed up the date. The banks are certainly getting in some last licks.

I just want to thank you, Mr. Chairman, for following up on your promise and on your commitment, because the situation is really desperate for so many people.

We all have constituents who have been really shocked by their banks or by their credit card companies which have suddenly raised their rates on already existing balances without notice and without any negative activity on a consumer's credit report. We have all read the news reports about the initiation of all sorts of new fees on transactions: charging consumers who are paying their bills on time and these inactivity fees. I guess they charge you for doing nothing at all.

The CHAIR. The time of the gentlewoman has expired.

Mr. FRANK of Massachusetts. I yield the gentlewoman 1 additional minute.

Ms. LEE of California. Clearly, the banks pleaded for just a little extra time to fully implement these new reforms. They're using that time to pad their profits at the expense of American families. This is unconscionable. It really is immoral. We should be totally outraged about this practice.

So I have to thank you again, Chairman FRANK, Congresswoman MALONEY and Mr. WATT, for your commitment to consumer rights and for your hard work on this very vital reform. Hopefully, consumers now will get the justice that they deserve.

Mr. HENSARLING. Mr. Chairman, in order to help equalize the time, I continue to reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield 3 minutes to an active Member, who also filed a very good piece of legislation to this bill, the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. I rise in strong support of the bill, and I want to thank Chairman FRANK for bringing this very important bill to the floor.

Mr. Chairman, deceptive credit card practices allow one hidden fee to snowball into ballooning interest rates and into $1,000 balances that many families, which are struggling to get by, cannot afford. When the President signed the Credit CARD Act into law, some companies tried to beat the clock by imposing predatory finance charges on consumers. That's why I am so pleased that, in working with Chairman FRANK and with Congresswoman MALONEY, I introduced legislation accelerating the implementation date.

The enactment of this bill will protect our constituents who cannot afford to be hit with abusive new fees or interest rate hikes. It will also accelerate other consumer protections, including a provision I cosponsored to require additional disclosure on the dangers of making only minimum payments.

So I really do want to commend the chairman and the gentlewoman from New York for their important work. I urge their support. As far as my constituents are concerned, this bill can't be passed soon enough.

Mr. HENSARLING. Mr. Chairman, I yield as much time as he may consume to the ranking member, the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. I thank the gentleman from Texas.

I rise today in opposition to this legislation.

Mr. Chairman, let me start by saying that this bill moves up the effective date on the underlying credit card bill, and that credit card bill is not a major bill. Unlike the health care bill, unlike the climate control bill, or the cap-and-tax bill, and unlike the systemic regulation bill, this bill addressed one thing and one thing only, and that was credit cards. We passed it 5 months ago. When we passed it, there were all these prophecies of wonderful things that were going to happen to consumers.

We Republicans stood on the floor of this House, and we said there needed to be changes in this bill. We said, if this bill passed in its present form, which it did, that the cost of credit would increase for consumers. We said there would be limits placed on their credit lines.

Sure enough—and I take no pleasure in saying this—5 months later, after President Obama signed this legislation, the so-called Credit CARD Act, into law, credit tightened. Consumers every day are facing notices in the mail that their credit rates are going up from 6 and 8 percent to 20-something percent. American Express and others have said they're going to start charging $100 fees. These are so-called unintended consequences. As a result of this legislation, we're seeing many consumers facing the cancellation of their credit cards, millions in fact. Regrettably, those warnings have come true.

Small businesses, which rely heavily on consumer credit, are also feeling the credit crunch. They're the main creators of jobs in our country—small businesses. They need credit. According to the National Small Business Association, 79 percent of those small businesses which were surveyed just recently said that credit card lending standards have tightened dramatically in the last few months and that their credit lines are being decreased materially.

The new credit card restrictions are exacerbating the economic crisis and the loss of jobs, and they are causing the shutdown of a key source of financing for small businesses and, therefore, job creation.

Small businesses are the engine of our economy. They're the number one job creators. Of all businesses, they rely the most on credit cards and on credit lines from those credit cards. We shouldn't have restricted their ability to obtain credit. They need it to expand and to create jobs.

This original bill came at just the wrong time. We could have stopped the abusive practices; but at the same time, we went beyond that and restricted the ability of credit card companies to protect themselves from people who didn't pay their credit card bills. That's really the essence of why this bill is not working, because we protected those who didn't pay their credit card payments. They're who are protected. We did some other good things, but we did that; and that was a mistake.

Now, don't take my word for it as to the fact that this present legislation—and let me say this: it's very unlikely. This is sort of a charade because, I think, most of us realize that this legislation is not going to be enacted into

law. It's December 1 now. I mean, it takes effect December 1. The Senate, I don't think, will even pick it up by December 1. Maybe they will. Maybe they will.

If they do, I think the warning of Chairman Bernanke is appropriate. When asked about the feasibility of enacting the provisions of the bill we're now considering, here is what Chairman Bernanke said—and Chairman Bernanke is often quoted by the Members on the other side of the aisle:

The board continues to believe that, given the breadth of changes required by the Credit CARD Act and its regulation, card issuers must be afforded sufficient time for implementation to allow for an orderly transition and to avoid unintended consequences, compliance difficulties, and potential liabilities.

Well, we've seen those unintended consequences: no credit cards where people had credit cards and a country in which we had the most ability to have credit cards and the choices in credit cards at the lowest interest rates. That is beginning to change before our eyes.

All of us share the goal of protecting consumers from unfair and deceptive credit card practices and of ensuring that cardholders receive useful and complete disclosures so that they have sufficient time to pay their cards and so that they aren't subjected to double-cycle billing, but we must be careful. Let this bill be a lesson to us, in trying to protect consumers or the government's intervening into these practices, that we do not impose new costs on them or on the U.S. economy as a whole. Just like the Speaker PELOSI health care plan we may consider later this week, this bill limits choice; it rations credit; it decreases costs; and it strangles innovation.

According to recent studies, as many as 114 million Americans will lose their current health insurance coverage under the Democrats' health plan. Now, that's even more serious than the few million who have lost their credit cards under this legislation. Likewise, several million consumers will lose their credit cards or will see their credit lines severely restricted by this legislation.

If there is one common denominator in Congress this year, it's the substitution of the government for the individual: with the stimulus, with the multiple bailouts, with the climate change legislation, with this credit card bill, with financial reform, and now, later this week, with health care. Instead of you making the choice, the government is making the choice for you.

The United States of America is the world's largest economy. It's three times larger than our closest competitor, Japan; and it's larger than the economies of Japan, China, Germany, and of Great Britain combined. We got there through innovation. We got there through choice. We got there through competition. We got there through individual initiative and responsibility, not through government control and management.

As we've seen time after time, when you substitute a government-controlled and -run program for individual choice, the cost goes up and the quality goes down. When it comes to health care, there is nothing more important than quality and choice. Given the choice, I'll always place my faith in the individual, not in the government; and this time is no different. It is no different with the credit card legislation. It is no different with the health care legislation.

□ 1230

Mr. Chairman, let me conclude by saying many of my colleagues in this body, both Republicans and Democrats, are going to come in and they are going to vote for this legislation today. They are going to do so really, many of them, because of the underlying legislation and the animosity and the bad feelings it has created with the American people, who are seeing their credit lines limited and their interest rates raised. The American people are upset, and this bill is an attempt, I think, almost to cloud why those interest rates are going up.

We need to help families, we need to help businesses that are struggling in this economic recession, and we need to create jobs. And, as we said 5 months ago, that was exactly the wrong time to saddle them with additional fees, higher interest rates, limit their credit lines and add significant new compliance burdens to our community banks. That was true 5 months ago on credit cards. We have seen the unintended results.

We are going to vote on health care. Those results will be even more serious and more drastic. You will see a greater cost of health care. You will see a diminished quality. You will see rationing of care. We warned about unintended consequences 5 months ago. Those warnings weren't heeded. We are warning again, but this time we are dealing with a far more serious issue, and that is the quality of health care in America, the affordability of health care, and the ability to get services in this country that are not offered in other countries.

Mr. FRANK of Massachusetts. Mr. Chairman, I intend to close and I have no further speakers, so I reserve my time.

Mr. HENSARLING. Mr. Chairman, I assume the chairman of the full committee has the right to close?

The CHAIR. Yes, he does.

Mr. HENSARLING. The chairman having said he has no other speakers, in that case, I will close for our side.

Again, we have no great pleasure in saying ''I told you so,'' but I think it is important before this body decides to accelerate a problem that is exacerbated by this body, they should take full import of their actions and the consequences.

As I said back in June, we must remember that every restriction, every limit, every regulation, has a high probability of making credit less accessible, less affordable and more costly, and, unfortunately, Mr. Chairman, that is exactly what we see today.

In a recent article in The Wall Street Journal, we read, In the past 2 years, credit card lines have been cut by over $1.25 trillion. During the same time, 10 percent of all credit card accounts have been canceled.

Again, we know, Mr. Chairman, that our constituents are feeling this pain as they get these notices in the mail. Let me go back to the article: According to the most recent Federal Reserve data, small business lending is down 3 percent, or $113 billion, from fourth quarter 2008.

Mr. FRANK of Massachusetts. If the gentleman would yield, someone on our side who said she wanted to speak has since come on the floor. I just wanted to alert the gentleman that I will not be the final speaker. I will be yielding one more time before I close.

Mr. HENSARLING. Reclaiming my time, I appreciate the chairman keeping me informed.

Again, Mr. Chairman, what we have seen is what I believe to be a number of unintended consequences that have taken place in this legislation. We were warned about this.

We heard from, for example, the ABA, who testified at the committee back in March, Restrictions on repricing higher risk accounts means two things. Number one, that higher risk customers will likely see less credit available to them; and, two, since the higher risk customers do not bear the full cost of the risk they pose, lower risk customers will bear some of the added cost.

We heard back in December of 2008 from Oliver Ireland of the Morrison and Forester law firm: The effects of this are going to be pretty severe. People are going to see either some combination of rising prices or a reduction in the availability of credit by either cutting lines or simply not making credit available.

Again, Mr. Chairman, we have been warned. Julie Williams, chief counsel for the OCC, who testified before our committee back in April of 2008: The risk mitigation tools used by credit card lenders to address changes in the credit risk profile of customers may include freezing or reducing credit lines, closing accounts, shortening account expiration dates and repricing for outstanding balances on the account. I could go on and on.

We have been warned, Mr. Chairman. We see it happening. We hear the anecdotal evidence. We see the statistical evidence. Again, I fear that although there are some good aspects of the legislation, that ultimately, ultimately, in the midst of a huge credit contraction, that what we will see is credit become even less available and more expensive, at a time when many of our constituents need it most.

Again, this has to be put into the context of the larger legislation that this body will consider this week, according to the Speaker of the House, and that is the government takeover of our health care system.

We know that on page 297, section 501 of that bill, there is a 2.5 percent tax imposed on all individuals who do not purchase the government-approved health insurance, which clearly applies to people making less than a quarter million dollars a year, which seems to contravene a campaign commitment that was made by our President.

We also see that there are new taxes on medical devices, a 2.5 percent excise tax. Again, many call this the wheelchair tax. But as our constituents are finding it more and more difficult to access credit cards, when they are having their credit cards cancelled, when they are seeing their interest rates rise, how are they going to be able to pay the 2.5 percent medical device tax in this $1 trillion piece of legislation?

Mr. Chairman, I hear from my constituents. I hear from the Farmer family of Athens who wrote to me once, Dear Congressman, more than once we have put medical bills on our credit cards. Two years ago, my middle son had to have cervical surgery. I split the cost of the surgery, doctors and hospital. It took my husband and me about a year to pay off that particular debt, but we did it at a low rate of interest since our credit is good. I am just thankful for having the means to help my son.

Now, what do I go back and tell the Farmer family of Athens? Well, Congress decided to pass a piece of legislation; that although your credit is good, you are going to have to start paying more for people whose credit isn't good. The next time you have a medical emergency or challenge in your family, I don't know if that credit card will be there for you.

That is a tragedy, Mr. Chairman, as, again, we continue to have this huge credit contraction. And, again, when we are looking at this $1 trillion government takeover of our health care legislation that on page 336, section 551, imposes a half a trillion dollar surcharge, supposedly just on the wealthy, but if you read the fine print what you figure out is that half of that is going to be paid by small businesses. So you could have a $534 billion surtax imposed in this government takeover of health care legislation, and as you impose this, again, how is small business going to be able to afford to pay this surcharge if on their credit cards their interest rates continue to rise and their availability to access credit continues to erode? I don't understand it.

Then the more visible tax on small business, page 313, section 512 of the government takeover of health care bill imposes an 8 percent tax on employers who can't afford to purchase the government-approved health insurance. Now, according to the National Federation of Independent Business, such a mandate could cost 1.6 million jobs in the next 5 years. So, if you lose your job and we are making credit more expensive and less available, Mr. Chairman, I just ask the question, how is this supposed to improve the Nation's health care?

So we have to take a look at the underlying credit card legislation and how it is going to impact our constituents as we go forward, perhaps on Friday or Saturday, to vote on this other legislation.

We also know, Mr. Chairman, that in the government takeover of our health care bill, that there are at least 43 new entitlement programs that are either created, expanded or extended in the bill.

Now, is somebody going to tell me that doesn't make health care more expensive? And if it makes health care more expensive, how are Americans who are losing their credit cards supposed to pay for the $1 trillion takeover of our health care system?

In addition, there are 111 new offices, bureaus, commissions, programs and bureaucracies that the bill will put between Americans and their doctors. Are you going to tell me, besides rationing health care, that somehow that is going to make health care less expensive? I don't believe so.

If it doesn't make health care less expensive, and I haven't found anybody to come to this floor to tell me that this 1,990-page bill costing the American people over $1 trillion is somehow going to make their health care less expensive, so if it doesn't make their health care less expensive, why would we want to support legislation that, again, has the impact and effect of taking away millions of Americans' credit cards or artificially raising their interest rates? I don't get it.

Mr. Chairman, in this $1 trillion government takeover of our health care system bill, we have 3,425 uses of the word ''shall'' representing new duties, new obligations, new mandates on individuals, businesses and States, which, oh, by the way, is double the number that we saw in the last iteration of the government takeover of our health care system bill.

Okay. So if we have 3,425 different mandates in this bill, is that somehow going to make our health care less expensive? I don't believe that. I don't believe the American people believe that. And, again, Mr. Chairman, if it doesn't make our health care less expensive at a time when our Nation has just achieved its first $1 trillion deficit in our history, when this Congress has enacted a spending plan that will triple, triple the national debt in the next 10 years, that is even before the $1 trillion government takeover of our health care bill comes to the floor, how can we pass a piece of legislation making credit less available and more expensive?

I urge rejection of the bill.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. How much time remains on the other side?

The CHAIR. All of the time has expired of the gentleman from Texas.

Mr. FRANK of Massachusetts. Well, that is nice.

As I told the gentleman, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 2 minutes.

Ms. JACKSON-LEE of Texas. I thank the chairman of the Financial Services Committee and my dear friend from New York, Congresswoman MALONEY.

It is interesting, listening to my good friend on the other side, but what I would offer to say is we are now debating a bill that most Americans are crying out for. As we go into the season of giving, and many, many holidays, where Americans all over the Nation and all over the world, frankly, will be looking to share their generosity, if you will, but they are facing a steep mountain to climb. So the Expedited CARD Reform for Consumers Act allows us to push back on many credit card companies that have availed themselves of the opportunity to raise interest rates by hearing about the potential implementation of this bill in 2010, August 2010, and decrease the credit limits on their consumers before the effective date.

Mr. Chairman, we didn't do this. Credit card companies who saw the writing on the wall, rather than working with consumers in a way that would encourage purchasing in a responsible manner, they did the complete opposite.

So I am very glad to be a cosponsor of this legislation that expedites good things, providing increased written notice to consumers of any increases in interest rates or otherwise makes a significant change in the terms of the credit card account. That is simple fairness.

I am glad to be on the side of informing consumers of their right to cancel the card before the rate hike goes into effect. I am glad to be on the side of the consumer that prohibits arbitrary interest rate increases and universal default on existing balances. I am glad that college students will not be, if you will, caught in the crosshairs of paying for their college tuition while paying high interest rates on credit cards that they use.

Finally, let me say we are being fair to the credit card companies. We require penalty fees to be reasonable and proportional to these same credit companies. Let me just say, this is a good bill for America.

□ 1245

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1½ minutes to a very important member of our committee, the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I thank the chairman and Congresswoman MALONEY, who have been champions for consumers.

I rise today to strongly urge my colleagues to vote in favor of H.R. 3639, the Expedited CARD Reform for Consumers Act of 2009.

Earlier this year, the Congress voted overwhelmingly to pass comprehensive credit card reform legislation that was subsequently signed into law by President Obama. Unfortunately, the credit card companies have used the past few months to push through last-minute rate hikes and other unfair practices before the law kicks into gear. To address this problem, this bill simply moves up the effective date for the remaining credit card reforms from February 22, 2010, to December 1 of this year.

I want to thank Congresswoman MALONEY and Chairman FRANK for their leadership in expeditiously bringing this bill to the floor.

The actions of the credit card companies over the past few months have amply demonstrated that the American consumer needs quick relief from punitive and unfair credit card practices. The time to act on these important reforms is now. For too long, the credit card industry has been subject to too few regulations and far too little oversight.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume to close.

I want to begin by addressing the role of small business. The gentleman from Texas said this would be unfair to small business. The gentleman from Alabama said this credit card bill, the underlying bill and the speedup, would be a problem for small business.

On April 30 of this year when we voted on the underlying bill, we received the following letter from the National Federation of Independent Business, generally considered to be the most representative and forceful advocate for small businesses:

''On behalf of the NFIB, the Nation's leading small business advocacy organization, I urge you to support H.R. 627, the Credit Cardholders' Bill of Rights. While credit cards provide an important source of credit for many small business owners, our members are troubled by some of the business practices utilized by card companies.''

''H.R. 627 ends unfair penalties on cardholders who pay on time, requires 45 days' notice of interest rate increases, prohibits arbitrary interest rate increases, and establishes industrywide definitions for common terms to deter deceptive marketing advertising. These provisions can protect small business owners' credit by giving them enough notice to pay off debt and shop for competitive credit.''

''While our members favor the credit card reforms in H.R. 627, we are mindful that credit cards pay for approximately $1 of every $6 of sales small businesses make. We believe this legislation does not unduly punish credit card companies in these tough economic times but limits business practices that harm small business credit cardholders.''

I wonder how we could be told how bad this is for small business when the National Federation for Independent Business says it would, in fact, do exactly the opposite and protect credit cardholders.

We also heard, of course, some debate on other issues such as health care, and the gentleman from Alabama in particular blamed the Obama administration for bailouts. I don't want to dwell too much on things not before this bill, but let me reiterate a point that I do not think can be even debated, certainly not refuted. Every single activity of the Federal Government now being carried on that some people have characterized as a bailout was initiated by the administration of President George Bush. President Bush's Secretary of the Treasury and his chairman of the Council of Economic Advisers, his appointees, and the President himself were the ones who initiated the funding of AIG by the Federal Reserve. They came to us and asked for the TARP program. They were the ones who first gave money to General Motors and to Chrysler. There is literally nothing now going on called a bailout that the Obama administration did not inherit from George Bush.

Now, I suppose the Obama administration could have just pulled the plug on all these ongoing operations and caused chaos and blamed the previous administration. It did not do that. But literally everything going on now that is called a bailout is an inheritance from the Bush administration.

Now, the gentleman from Alabama also quoted the Federal Reserve in saying don't speed it up. And he said, well, people sometimes quote Mr. Bernanke one way or another. Well, he just did it. In the first place, the gentleman from Alabama and the gentleman from Texas have their major quarrel with the Federal Reserve because the Federal Reserve, on its own, under its regulatory power, promulgated regulations very similar to this bill. The sequence is interesting. The gentlewoman from New York, as she often is, was the first one out of the box on the consumer protection here, but after the gentlewoman from New York began discussions on this bill in our committee, the Federal Reserve moved.

So it seems odd to cite the Federal Reserve and say you believe them when they say there are difficulties in speeding it up when you are fundamentally opposed to the Federal Reserve's basic action here. The Federal Reserve agreed with this House that regulations were needed to protect consumers. It is a set of regulations promulgated by the Federal Reserve that are as strongly opposed by the other side as are our regulations.

By the way, in quoting the Federal Reserve even on the speedup, they did express some concerns. They also said, however, the board cannot predict how an effective date of December 1 would affect credit card interest rates and credit availability. However, moving the CARD Act's effective date to December 1, 2009, would mean that consumers would receive important benefits and protections earlier. So they invoke the Federal Reserve and they invoke small business despite the protestations of both of these organizations that they disagree fundamentally with the Republican position.

Now let's talk about substance. The single biggest piece of this—and they say it prevents the poor credit card companies, the poor beleaguered banks. They warned us that if we tried to stop them from behaving irresponsibly, they would speed irresponsible behavior. Yes, they did. But that should not be allowed to be a deterrent against stopping them from doing things.

And what this fundamentally does, the single best, biggest thing, is it says this: If you have used your credit card to buy things at a rate that you were told was binding and you have made all your payments on time for years and you have been running a credit card balance, as the credit card companies want you to do—I know if you have a credit card and you pay it off every month, they don't like that because they're not getting the interest. But at any rate, if you have fully complied with all the terms of the credit card and you have made purchases and incurred debt at a given interest rate and you have made every payment you were supposed to make on time, they have retained the right unilaterally and retroactively to raise the interest rate on what you already owe them. It is the single unfairest economic transaction I can think of that doesn't involve a pistol. The fact is that they decide they can make more money that way.

We're told they have to deal with risk management. What's the risk on debt already incurred on the part of someone who's always made the payments? This isn't risk management. This is hostage taking. This is raising money after the fact.

Now, it's true they told you that when they sent you the contract. It is true that if you have very good vision and a very high boredom threshold and nothing else to do but read pages and pages of small print, you might have figured that out if you spoke lawyerese. But for most people, the notion that you take your credit, you were told that this is the interest rate, you buy things at that interest rate, you incur debt, and they then say, oh, by the way, you know that rate that was at 8 percent, retroactively it's now 12 percent.

This bill doesn't prevent them from going forward with appropriate notice for raising rates. It absolutely does not. It says they can't do it retroactively and they have to give you some notice so they cannot trap you.

It also says that if you mail the bill at a certain time, you are not subject to their saying, oh, by the way, something happened to your payment, we don't know what, and you're going to have to pay extra. All the burden of any misplaced bill falls on you, the payer, not them, the payee.

Let me last say here's a problem. We have had a pattern of abuse. The National Federation of Independent Business and the Federal Reserve agreed with us that there was a pattern of abuse. Members on the other side said, oh, no, these credit card companies, wonderful people. They're just trying to help you out and they are simply trying to give you credit, and if they raise your rates retroactively, that's in your own best interest. Trust us. That's so you don't have to pay higher rates down the road.

So we said we're going to stop these practices. They then said you can't do it right away, it's very complicated, give us some time. So we gave them time, more than I wanted to at the time. They then used that time not to calibrate so they would be ready for the effective date but to start to jack up the rates.

But I reject the notion, first of all, that people who are engaging in abusive practices, as the credit card companies were, according to us, according to the National Federal of Independent Business, according to Federal Reserve, hardly radical Obamaistic organizations, they should not be allowed to stop it by saying but if you try to make things better, we're going to blow things up in advance. We should not give into those kinds of facts. In fact, I reject the notion that we caused any of this. Nothing they have done couldn't have been done without the bill, and they were doing it. All they did was to use this bill as an excuse for doing what they were trying to do anyway.

So we have here a reasonable bill that will prevent them from imposing things retroactively, that will require some notice going forward, that will fairly allocate the risk of a late payment, and that's what we are talking about. And we are talking about speeding up the date. They have many months to get ready for this.

And let me say this: They tell us, oh, my goodness, it's so hard to recalibrate. But you know what? They have very odd computers over there. Maybe they've got great software. They've got software that works perfectly when they want to raise rates, but if they want to hold rates constant, the software goes berserk. Maybe we can implore the software makers to give them some software that works both ways, because they are able to raise people's rates retroactively in violation of what people thought were their contractual rights, very quickly, but they aren't able to get ready to be giving people a 45-day notice before they raise their rates going forward. And the 45-day notice is so that you can say, okay, I will go through one more billing cycle and I don't want them anymore. I will go to shop. What we have here is what we had in April.

By the way, I don't want to be unfair to the entire Republican Party. Individual Members—it's okay, but not to the entire party. Many Republicans voted for this bill. Those who were speaking in opposition to it clearly were not representative of their whole party last time. And what we have, though, is the leadership from the Financial Services Committee of the Republican Party coming firmly to the defense of the credit card firms, telling us that what they were doing was out of economic necessity. They really don't want to raise these rates but they are just forced to do it by sound risk management.

We believe, along with the National Federation of Independent Business and the Federal Reserve and every consumer group that's looked at it, that exactly the opposite is the case. They have abused the time that they asked for because they said it was for getting ready and they used it to do precisely the things the bill will stop them from doing. I, therefore, very much hope that this bill is adopted.

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

Mr. AL GREEN of Texas. Mr. Chair, I extend my support to H.R. 3639, the Expedited CARD Reform for Consumers Act of 2009, and thank my dear friend from New York, Ms. MALONEY, for introducing this important legislation, and Chairman FRANK for expediting it out of committee.

On May 22, 2009, President Obama signed into law the Credit Card Accountability, Responsibility, and Disclosure Act to protect consumers from the most egregious abuses that were being committed by credit card companies. Today, the important legislation before us readdresses this issue and proposes to move up the effective date of certain provisions of the Credit CARD Act to December 1, 2009. I would like to take this time now to express my support for the passage of this legislation.

Today, levels of consumer debt are at an all time high. The most recent data from the 2007 Survey of Consumer Finances shows that half of American families carried a balance on their credit cards and the average balance was $7,300. Add to this amount the debt secured by a primary residence or other consumer and installment loans, and the average American family is hard-pressed to meet these financial obligations.

Many of my colleagues here in Congress and I are concerned about how the current state of the economy is affecting the ability of ordinary Americans to service these high levels of debt. In September, the Bureau of Labor Statistics reported the American economy lost 260,000 jobs. Without work, most families could not afford to service these loans.

The days of easy and exotic credit are over. American families must work themselves out of debt and back into the black. We, as lawmakers, have been tasked with the job of enacting laws and enforcing fair rules that allow people to use credit cards and other financial services made available to them in a safe and responsible way. We are about to do just that today.

The Expedited CARD Reform for Consumers Act of 2009 is good policy for Americans everywhere. It fulfills our promise of establishing protections against abusive practices in the financial services industry and reaffirms our commitment to helping ordinary consumers responsibly manage their finances by ensuring that the choices available to them are fair and safe. I am proud to support H.R. 3639 and urge my colleagues to assure its passage.

Mr. HOLT. Mr. Chair, I rise today in strong support of the Expedited CARD Reform for Consumers Act of 2009, which would establish earlier effective dates for various consumer protections established by the Credit Card Accountability Responsibility and Disclosure Act, Credit CARD Act, enacted earlier this year. I commend Chairman FRANK and Ms. MALONEY for their leadership in bringing this bill to the floor today.

To be clear, my strong support does not stem from any concern that the implementation deadlines set forth in the Credit CARD Act as enacted were ill-conceived or too lax. Indeed, I assume we all thought they were reasonable, and most of us probably still do. What was unreasonable was the punitive, abusive, and—frankly—shameful behavior of some credit card issuers in the wake of enactment of the Credit CARD Act. I have been besieged with letters from outraged constituents, and I'd like to share some of those with you:

> Chase Bank . . . [just increased my interest rate] from 9.99% to 16.24% a 62.5% increase. They are making it harder and harder for Americans to pay-back our loans during this economic downturn. I have never missed a payment! . . . Please help!!!

> I just received a letter from my Citi Bank Master Card (which my husband and I always pay on time) stating that my interest rate is being raised to 29.99%. My research shows that Citi Bank is slipping this rate increase in before the new Credit Card Act takes effect. This is an outrage to so many people like myself.

> Most of the major banks have hiked interest rates on customers' balances, increased penalty fees or doubled minimum payments since the bill was passed in May. . . . The banks are using this lag time before the implementation date to sneak in as many rate hikes and new fees as possible, and countless good customers who pay on time each month are suffering.

I think a reality check is in order. The reality is that many credit card issuers have been abusing their customers. Had they been treating them fairly, there would have been no need for, and no call for, legislation to reign in and prohibit those abusive practices. Another reality is that many of those same credit card issuers behaved recklessly and imprudently, as a result of which they put their own survival in jeopardy and had to come to the American taxpayers hat in hand just to stay afloat. Had those financial institutions managed their own affairs responsibly, they wouldn't have had to rely on the good graces of hard working Americans to stay in business. So where does that leave us? They abused their customers, they compromised their own financial stability, they took their customers' charity to regain that stability, then they retaliated against their customers when the government stepped in told them they had to stop abusing their customers. The whole situation is just plain astounding.

Even so, it is always important to tailor one's response carefully to the actual facts and circumstances. For example, not all credit card issuers abused their customers in the first place. And not all credit card issuers retaliated against them in the wake of enactment of the Credit CARD Act. And as I noted previously, the original implementation deadlines

for the bill were reasonable—we would not have passed it that way if they weren't.

Therefore, although I heartily support this bill and urge my colleagues to do the same, I also offered an amendment to make it stronger, and to fine-tune its application. My amendment would have given credit card issuers the ability to opt out of the expedited implementation schedule set forth in this bill, and win back the right to comply with the bill in accordance with the reasonable schedule we set forth originally, under one of two circumstances.

Any creditor that could have demonstrated that it did not implement detrimental account changes against its customers on or after the date the Credit CARD Act was enacted would have been entitled to implement the bill in accordance with its original implementation schedule. This would insulate the well-behaved credit card issuers from the penalty this bill imposes, because the penalty is only being imposed in response to the bad behavior of other credit card issuers. This is not only fair, it is better for the economy. Expediting application of the implementation deadlines is going to cause disruptions in service and interruptions in the extension of credit, at precisely the same moment we go into the busiest shopping period in the annual cycle. Therefore, any credit card issuers that can justifiably be spared the requirement that they comply with the Credit CARD Act much more rapidly than originally intended, should have been spared.

With respect to credit card issuers that already penalized their customers, preventing them from penalizing any others does not do anything to help the ones they already penalized. Therefore, my amendment would have allowed those institutions to ''buy back'' the right to implement the bill in accordance with its original deadlines if they could demonstrate that they reversed all of the penalties they imposed in the wake of enactment of the Credit CARD Act. Because they will have a fresh record of the interest rates, minimum payments, and penalty fees they just got through increasing, they should expeditiously have been able to reverse those and restore their customers to their pre-Credit CARD Act terms and conditions. Only an actual roll-back can help the consumers whose terms and conditions were already detrimentally changed, and only a strong incentive such as re-applying the original deadline structure would have incentivized any bank to agree to it. But to the extent they would have, this too would have been a boon to the economy, because all customers whose minimum monthly payments go back down would have that much more to spend as we go into the holiday season.

My amendment simply created options. Any institution that fits one of the foregoing descriptions could have availed itself of the option. If they did, well-behaved banks would have been protected, injured consumers would have been restored to their pre-injury terms and conditions, and in each case the economy would have been stimulated. In addition, in each case, my amendment would have provided that implementing any detrimental changes to customer accounts after the exemption was awarded but before the bill is fully implemented would result in immediate revocation of the exemption. I believe the amendment would have made the bill stronger, and applied it more deftly and equitably to the circumstances. But without it, the banks will implement the bill as of December 1, and consumers will be provided the protections we enacted for them last spring that much sooner.

I commend Chairman FRANK and my colleague Mrs. MALONEY again for offering this bill, and I urge my colleagues to support it.

Mr. MEEK of Florida. Mr. Chair, I rise today in full support of the Expedited CARD Reform for Consumers Act of 2009. When the CARD Act came to the floor in April, I rose in support of the bill but was frustrated by the delay in its implementation. I am pleased that this bill makes that correction and puts the CARD Act into effect before the winter holidays, when so many consumers will need the protections that the act creates.

My Statement for the RECORD in April on the CARD Act discussed the need to bring immediate relief to consumers. While expediting the implementation of the CARD Act is a strong first step, I believe we must continue to do more. Consumers desperately need legislation that will allow them to make informed financial decisions and protect them from unfair lending and banking practices. Despite, or perhaps because of the impending enactment of the CARD Act, banks are continuing to charge substantial penalty rates and fees, and raking in over $19 billion from these fees.

With the average American's credit card debt reaching nearly $10,000 in 2007, consumers are in real need of not only protection from unfair fee impositions, but in need of information as well. I am supportive of the CARD Act because it requires consumers to opt-in to over-limit fees at one time for each credit card they have. I believe this is the first step in helping consumers make more informed financial decisions.

Our next step should be to put in place a mechanism to inform consumers at the point that a debit transaction to their checking or savings accounts will result in an overdraft and attendant fees. Consumers should be able to make financial decisions with real-time information at their fingertips. By giving consumers the ability to elect whether or not to perform a transaction that will result in overdraft and the attendant fee on any given transaction, they are given the power to make responsible decisions and many won't have to worry about starting in the red at the beginning of every month.

Consumers should be financially empowered, not defenseless against the whims of credit card issuers. I am pleased to support this bill which 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. And it gives consumers real information about the financial consequences of their decisions, by showing them the interest they are paying and have paid, and the length of time it will take to pay off the debt at the minimum monthly payment rate.

Consumers are being hit on all sides, with unfair credit card fees, overdraft banking fees and rising costs of goods and services. We must continue to work to protect consumers as financial institutions look to them to make up money lost in the economic downturn. I know 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.

I support the Expedited CARD Reform for Consumers Act of 2009 and urge its final passage.

Ms. MCCOLLUM Mr. Chair, I rise today to express my strong support for the Expedited CARD Reform for Consumers Act, H.R. 3639, which will accelerate the effective date for recently enacted credit card reforms to December 1, 2009.

Millions of American families have become trapped in a never-ending cycle of debt due to ''double-billing'' and other dubious credit card industry practices. On May 22, 2009, President Obama signed into law the Credit Card Accountability Responsibility and Disclosure Act, the CARD Act, P.L. 111–24, to end unfair and anticompetitive practices.

In the months following enactment of this law, many credit card companies have attempted to circumvent reforms by raising interest rates and decreasing credit limits on their customers before the reforms take effect in early 2010. According to the Pew Charitable Trusts, interest rates on over 90 percent of all outstanding credit card balances in the United States increased during the first 6 months of this year. This is totally inexcusable and evidence of why strong consumer protections in the credit card industry are needed.

H.R. 3639 accelerates the effective date of the CARD Act reforms while making sensible exceptions for small credit card issuers and prepaid gift cards. I am a co-sponsor of H.R. 3639 and I voted in support of the rule to allow its consideration on the House floor. Unfortunately, I was unavoidably detained when the final vote was taken. Had I been present, I would have voted in favor of passage.

Mr. BLUMENAUER. Mr. Chair, I have been dismayed for many years now about the performance of some of our financial institutions in the way they treat our citizens. There are too many examples of recent banking history that reveal too many tales of abuse and greed.

Americans pay around $15 billion in penalty fees every year. Credit card contracts seem to be drafted not to inform, but to confuse. Mysterious fees appear on statements. Payment deadlines shift. Terms change and interest rates rise arbitrarily.

In May, the President signed the Credit Cardholders' Bill of Rights Act into law, shielding credit cardholders from these widespread abusive practices. That law allowed the credit card companies a grace period to adjust their business practices to the new law. Rather than use this time to prepare for the new consumer protections and procedures, many credit card companies accelerated their aggressively targeted tactics to vulnerable consumers.

In a comprehensive survey of credit card practices, the Pew Charitable Trusts found that in the first half of 2009, credit card rate increases ranged from 13 to 23 percent; that 100 percent of credit cards used practices labeled ''unfair or deceptive'' by the Federal Reserve and none of these cards would meet the standards of the new laws; and that even while the Federal Reserve is promulgating new consumer-oriented standards for penalties, credit card companies are charging substantially higher penalties.

The Expedited CARD Reform for Consumers Act marks a step forward in bringing consumers badly needed relief by moving up the effective date for nearly all of the credit card reforms to December 1, 2009.

Too many Oregonians, like students and families across the country, are heavily burdened by credit card debt. I support this bill because it requires fair terms and it levels the playing field by increasing consumer protections. Not a moment too soon.

Mr. LANGEVIN. Mr. Chair, I rise in strong support of H.R. 3639, the Expedited Card Reform for Consumers Act. I am proud to be a cosponsor of this measure, which would move the effective date of the remaining provisions of the Credit CARD Act of 2009 up to December 1, 2009. This law provides tough new protections for consumers by banning unfair rate increases, abusive fees and penalties, and strengthening enforcement.

So far this year, I have hosted three telephone town halls. During every call, I have received numerous inquiries from constituents asking when Congress is going to put an end to outrageous interest rates, hidden fees, and other deceptive practices by credit card companies that have gone on for far too long.

While credit card companies argued that they needed several months to implement certain provisions included in the Credit CARD Act, many of them have instead taken advantage of this lag time, and their customers, by raising minimum payment amounts and interest rates, decreasing limits, and closing accounts without proper notification. The Pew Charitable Trusts' Safe Credit Cards Project recently reported that every one of the 12 largest bank issuers that control ninety percent of credit card outstanding balances nationwide had at least one provision that is labeled ''unfair or deceptive'' by the Federal Reserve, and they would not meet the tough provisions of the Credit CARD Act.

The actions of these companies highlight the need for the consumer protections we passed into law to take effect as soon as possible. I have heard from too many of my constituents that have experienced these deceptive practices to let this go on any longer. A longstanding cardholder who makes payments on time each month and who is struggling in this economic downturn should not be subjected to a company's attempts to rake in some last-minute revenue before they are forced to abide by the new laws.

Mr. Chair, we must continue our work to put an end to the tricks and traps used by credit card companies to undermine a competitive market. I encourage all my colleagues to vote for H.R. 3639. I would also like to thank Congresswoman MALONEY and Chairman FRANK for their hard work on this issue and bringing this measure to the floor.

Mr. POLIS. Mr. Chair, I rise in support of H.R. 3639, the Expedited CARD Reform for Consumers Act. I would like to thank Chairman FRANK and my colleagues on the Financial Services Committee for bringing us this consumer protection bill. I would also like to acknowledge and thank my friend from New York, Representative MALONEY, for introducing this legislation and her continued dedication to protecting consumers and ensuring the availability of credit.

Earlier this year in response to outrageous abuses of customers, both the Senate and the House passed H.R. 627, the Credit Card Accountability Responsibility and Disclosure Act or the CARD Act. The reforms that we passed and were signed by the President were carefully designed with input from consumer advocacy groups and the financial services industry. We established an implementation date of February 22 to give the entire industry—and particularly credit unions and community banks—ample time to make the necessary adjustments to comply with the new regulations. This additional time was designed to ensure that these institutions, which have been on the side of their consumers, would be able to continue to offer credit cards.

Community Banks and Credit Unions were not responsible for the egregious consumer abuse that required the CARD Act, nor are they the reason that we must pass H.R. 3639 today. Rather, it was the larger institutions, many of whom are receiving public assistance, who took this grace period as an opportunity to double down on the very unconscionable behavior that prompted the action of this body. Their actions were made worse as they occurred in the context of a national recession, when many people found themselves resorting to credit to make ends meet, with salaries and work hours increasingly cut back.

Mr. Chair, my constituents are tired. They see the joblessness caused as the house of cards built by Wall Street collapsed on to Main Street. They have grown impatient with an industry that required unprecedented taxpayer assistance, only to have the very institutions return the generosity of the public with unfair and unannounced interest rate hikes. This behavior is beyond unprofessional, it is beyond irresponsible, and it can only be defined in one way: un-American.

Let me be clear, I do not think the resources of this body are best used by micro-managing any industry. I have consistently supported—and even introduced—legislation that moves private business out of public stewardship as quickly as possible.

But Mr. Chair, when credit card issuers prove they cannot honor their obligation to their customers and fellow Americans, then it is incumbent upon this Congress to act.

The bill we have before us today is simple. By moving the implementation date of the policies we have already supported to December 1st, we say in clear language that the days of credit card companies financing their excess and recklessness on the dime of taxpayers and their customers are over.

To my colleagues, I offer that in joining me in support of this measure, we also speak to our constituents. We tell them that we agree that the bailouts and capricious interest rate hikes are akin to a double taxation, and that this will no longer be tolerated.

Finally Mr. Chair, as we approach the holiday season and Americans prepare to travel and buy gifts for their loved ones—giving themselves a well deserved break from what has been a trying year economically—moving the enforcement of the fair credit reforms we have agreed upon to December 1st will result in increased consumer confidence. Our nation's retailers will benefit from the public being able to shop with the security that a present for a loved one in December won't result in an unwelcome and expensive surprise in January.

Mr. Chair, today we have an opportunity to accelerate the economic and social benefits of the CARD Act. Today we have an opportunity to expedite a return of a decent level of consumer confidence. I ask my colleagues to join me in seizing this opportunity by voting for H.R. 3639.

I would once again acknowledge and thank Chairman FRANK, Representative MALONEY, the members of the Committee on Financial Services, and their staffs for their continued efforts on the issue of fair consumer credit and for this bill. I ask for the quick passage of this bill.

Mr. VAN HOLLEN. Mr. Chair, last Spring, I stood before this body to speak in support of the Credit Card Act of 2009. The bill outlawed predatory and exploitative behavior such as targeting college students regardless of their ability to make payments, shifting due dates so as to trigger penalties and other deceptive practices. I was proud to be a cosponsor of the bill. Even then, however, I argued that the bill should take effect immediately.

Today, I rise in support of H.R. 3639, the Expedited CARD Reform for Consumers Act which moves up the Credit Card Act's implementation date. Accelerating the implementation of this bill is necessary because too many card issuers are taking advantage of the act's February implementation date and increasing fees and the interest rates of their customers.

As the Credit Card Act of 2009 was taking shape, many banks expressed concern that, without time to make the logistical and accounting adjustments necessary to accommodate such a dramatic policy shift, consumers would end up shouldering an increased financial burden in the form of higher fees and diminished access to credit. In light of this concern, we established February 2010 as the date the bill would go into effect. But, to our disappointment, many banks used the time between the President's signing the bill in May and its scheduled implantation in February to increase the exploitative practices the bill was intended to prevent.

According to a recently released report by the Pew Charitable Trust, in which they studied credit card activity in the wake of the Credit Card Act, not only have many credit cards companies continued to use practices deemed ''unfair and deceptive'' under Federal Reserve guidelines, in some cases these practices increased.

I have personally received reports from my constituents that, despite having solid credit histories and long relationships with their card issuers, they were contacted by banks after the Act passed and approached with the Hobbesian choice of accepting either a reduced credit line or an increase in front end interest rates. When they called the companies to complain, they were told that there was nothing they could do and that they should call their Member of Congress. Well, they did call their Members of Congress and this is our response.

I urge my colleagues to join me in supporting H.R. 3639.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House report 111–326, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 3639

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 ''Expedited CARD Reform for Consumers Act of 2009''.

SEC. 2. EARLIER EFFECTIVE DATE FOR THE CREDIT CARD PROVISIONS OF THE CREDIT CARD ACT OF 2009.

Section 3 of the Credit Card Accountability Responsibility and Disclosure Act of 2009 (15 U.S.C. 1602 nt.) is amended—

(1) by striking ''This Act'' and inserting ''(a) IN GENERAL.—This Act''; and

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

(b) CERTAIN CREDIT CARD PROVISIONS.—Except as otherwise specifically provided in this Act, titles I, II, and III, and the amendments made by such titles, shall take effect on December 1, 2009.

(c) CERTAIN CREDIT CARD ISSUERS.—Except as otherwise specifically provided in this Act and notwithstanding subsection (b), the effective date established under subsection (a) shall apply with respect to the application of titles I, II, and III, and the amendments made by such titles, to any credit card issuer which is a depository institution (as defined in section 19(b)(1)(A) of the Federal Reserve Act) with fewer than 2,000,000 credit cards in circulation as of the date of the enactment of this Act.''.

SEC. 3. EARLIER EFFECTIVE DATES FOR SPECIFIC PROVISIONS TO PREVENT FURTHER ABUSES.

(a) REVIEW OF PAST CONSUMER INTEREST RATE INCREASES.—Section 148(d) of the Truth in Lending Act (15 U.S.C. 1665c(d)) (as added by section 101(c) of the Credit Card Accountability Responsibility and Disclosure Act of 2009) is amended—

(1) by striking ''9 months after the date of enactment of this section'' and inserting ''December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be February 22, 2010,''; and

(2) by striking ''become effective 15 months after that date of enactment'' and inserting ''take effect on December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be August 22, 2010''.

(b) REQUIREMENT THAT PENALTY FEES BE REASONABLE AND PROPORTIONAL TO THE VIOLATION.—Section 149(b) of the Truth in Lending Act (15 U.S.C. 1665d(b)) (as added by section 102(b) of the Credit Card Accountability Responsibility and Disclosure Act of 2009) is amended—

(1) by striking ''9 months after the date of enactment of this section,'' and inserting ''December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be February 22, 2010,''; and

(2) by striking ''become effective 15 months after the date of enactment of the section'' and inserting ''take effect on December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be August 22, 2010''.

The CHAIR. No further amendment to the bill, as amended, is in order except those printed in part B of the report. Each further 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, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

□ 1300

AMENDMENT NO. 1 OFFERED BY MR. HENSARLING

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111–326.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mr. HENSARLING:

Page 7, after line 18, insert the following new section:

SEC. 4. CLARIFICATION THAT 45-DAY DELAY DOES NOT APPLY TO REDUCTIONS IN INTEREST RATES AND FEES.

Subsection (i) of section 127 of the Truth in Lending Act (15 U.S.C. 1637) (as added by section 101(a)(1) of the Credit CARD Act of 2009) is amended by adding at the end the following new paragraph:

''(5) CLARIFICATION.—No provision of this subsection shall be construed as preventing any creditor from putting any reduction in an annual percentage rate, any decrease or elimination of any fee imposed on any consumer, or any significant change in terms solely or primarily for the benefit of the consumer into effect immediately.''.

The CHAIR. Pursuant to House Resolution 884, 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, certainly we had a spirited debate on the underlying legislation. I do want to thank the chairman for his efforts for allowing this particular amendment to be made in order. I have always feared that on a number of pieces of legislation that Congress enacts that it is always fraught with unintended consequences. I believe I stumbled across one of those unintended consequences.

I believe it was last week, perhaps the week before, that I was contacted by one of my constituents who had received a credit card offer in the mail that offered him a better interest rate than the interest rate his current credit card offered; but because of a number of other provisions, he wanted to keep his current credit card.

So he called his credit card company and said, Would you match this other deal on the interest rate? I want to stay with you, but will you match this interest rate? He was told by whatever voice was on the other end of the 1–800 number, We would like to match your interest rate, and we will match your interest rate, but we cannot do it for 45 days under a law recently enacted by Congress.

Now, I certainly don't believe that was the intent of the majority, but clearly the language in the underlying bill is being interpreted by some credit card companies to prevent them from lowering rates or lowering fees without a 45-day notice. Again, I do not believe that was the intention of the majority, and they may have written their bill thinking they had taken care of that. But, clearly, the language is sufficiently ambiguous for some companies that they do not feel that they can actually lower interest rates or lower fees or cancel fees or do something that almost every single individual in this body would interpret as only, only benefiting the consumer.

So, Mr. Chairman, my simple amendment would provide a clarification that no provision in the subsection shall be construed as preventing any creditor from putting any reduction in an annual percentage rate, any decrease or elimination of any fee imposed on any consumer or any significant change in terms solely or primarily for the benefit of the consumer into effect immediately.

So, again, what I believe the majority was trying to do would be preserved, and I think what they were trying not to do and, that is, certainly I do not believe it is their intent to have consumers wait for 45 days for lower interest rates. Again, I grant you, in this economic environment, it is not a common occurrence, but apparently it does occur or this constituent wouldn't have called me in the first place.

So I believe it is a simple amendment. Again, I hope it takes care of an unintended consequence. I fear there are many other unintended consequences, but this is one that it would take care of, and I would certainly urge all Members of the body to adopt the amendment.

Again, I thank the chairman for making sure that this particular amendment was made in order.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, if there is anybody opposed to this amendment, I would yield. But in the absence of anybody who is opposed, I will take the time.

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

There was no objection.

Mr. FRANK of Massachusetts. I support the amendment. The gentleman from Texas is a very careful legislator. We disagree a lot. And there were times when I had wished he wasn't as careful as he is, but he is absolutely right in this case. Let me go a step further: this may get entangled, this bill and broader things. If that should happen, I would be prepared, if nothing else worked, to break out this particular amendment at a later date and do it by suspension and hopefully do it unanimously because it, clearly, shouldn't be that way.

So I thank him for calling it to our attention, and I hope the amendment is

adopted. Let me just say that I will be asking for a roll call. Mr. Chairman, I am intending to vote for it; but as you know, one doesn't always ask for roll calls simply because one has an issue on that amendment.

I will yield to the gentlewoman from New York.

Mrs. MALONEY. I join the chairman in congratulating our colleague on the other side of the aisle for this amendment. I think it's a good one. I support it. If credit cards want to decrease interest rates for their customers, there is absolutely no reason that they should have to wait 45 days. We certainly accept it. The problems that we are trying to address in our underlying bill today are the increases that are coming at any time, for any reason without notice. This is a good amendment, and I accept it.

Mr. FRANK of Massachusetts. I take back my time. In fact, in the spirit of conciliation, let me extend to my friends, if I have any left in that industry, a willingness to even allow them to decrease it retroactively for 45 days, not just waive it prospectively.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

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

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 2 OFFERED BY MRS. MCCARTHY OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 111–326.

Mrs. MCCARTHY of New York. I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mrs. MCCARTHY of New York:

Page 7, after line 18, insert the following new section:

SEC. 4. MORATORIUM ON INCREASES IN RATES AND FEES AND CHANGES IN TERMS TO THE DETRIMENT OF THE CONSUMER.

Notwithstanding any other provision of this Act or any amendment made by this Act, subsection (b) of section 164 of the Truth in Lending Act (as added by section 104(4) of the Credit Card Accountability Responsibility and Disclosure Act of 2009 (Public Law 111–24)) shall not take effect until February 22, 2010 for any creditor with respect to an existing credit card account under an open end credit plan, or such a plan issued on or after the date of enactment, as long as the creditor does not—

(1) increase any annual percentage rate, fee, or finance charge applicable to any existing or future balance, except as permitted under subsection 171(b) of the Truth in Lending Act (as added by Public Law 111–24); or

(2) change the terms to the detriment of a consumer, including terms governing the repayment of any outstanding balance, except as provided in section 171(c) of the Truth in Lending Act (as added by Public Law 111–24).

The CHAIR. Pursuant to House Resolution 884, the gentlewoman from New York (Mrs. MCCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MCCARTHY of New York. Mr. Chairman, I thank Chairman FRANK and his committee staff for working with me and Congresswoman MARKEY on this amendment. It has not gone unnoticed that some credit card issuers have used this time before the pending effective date of the Credit Card Accountability Responsibility and Disclosure Act of 2009 to raise interest rates and reduce credit for some consumers.

Let me say, though, that I think there needs to be a reminder here on why we're even standing here. We have seen the economy just about collapse because there has been no oversight. We saw trillions of dollars being lost by our constituents because there was no oversight. So when I say that I'm not alone when I have heard from many in my district who are frustrated with credit card issuers who continue to raise rates during this small window of time before the Credit Card Reform Act is enacted, in these very difficult economic times, when many people are worried about being able to put food on the table or being able to pay their bills, credit card companies choose to push their consumers deeper in debt by raising the interest rates.

Many of us are outraged by this practice and agree with my colleague Congresswoman MARKEY that something has to be and should be done. Our amendment would seek to modify H.R. 3639, the Expedited CARD Reform for Consumers Act of 2009, to allow credit card issuers to choose to impose a freeze on increases to interest rates, fees and the terms of the conditions of the contract. In return for imposing a rate freeze, issuers would be given flexibility to comply with a provision in the act regarding payment allotments until the credit card reform law becomes enacted in February 2010.

Payment options and many of the system changes issues must be made in order to comply with the pending enactment date of the credit card reform law. These changes should be carefully executed so that there is little room for error and confusion to the consumer. I believe our amendment will stop the unfair rate increases and will allow the companies that are doing the right thing to remain on the path of compliance for the pending enactment dates of the provisions, many of which do not have final regulations issued yet by the Federal Reserve.

If the real reason behind this bill is to make issuers stop raising interest rates and other abusive practices, merely moving up the implementation dates on provisions will not address the interest rate problem. My amendment will address the problem by letting the issuer make the decision to do the right thing.

With that, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I rise to claim the time in opposition, although as I seek to understand the amendment, I am not completely certain that I am in opposition.

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

There was no objection.

Mr. HENSARLING. I will yield myself as much time as I may consume.

It appears that if a credit card issuer does not increase an annual percentage rate fee or finance charge applicable to any existing or future balance, it need not comply. With the bill's requirements, payments above the minimum will be allocated first to that balance until February of 2010. So I guess there is a carve-out for credit card issuers who do not increase annual percentage rates. I suppose at the margins it is good to give more choices instead of fewer choices. Whether or not this results, again, in some people having to pay even more in fees, maybe an annual fee, I don't know the answer to that question. I suppose I will urge my colleagues to adopt this.

But again, all of this legislation, Mr. Chairman, has to be put in the context of the legislation that this body will consider this Friday or Saturday and that is the 1,990-page government takeover of our health care system bill. And I think that on every single piece of legislation that we consider in this body prior to that time, we have to ask the question, If our constituents are going to be looking at having to pay for a trillion-dollar government takeover of health care legislation, is any particular amendment going to make our constituents have a greater ability or a lesser ability to pay for that?

I am thinking specifically right now of all the seniors across America, particularly those in the Fifth Congressional District of Texas that I have the honor and privilege of representing, who will see their Medicare Advantage plans cut by $150 billion under the government-takeover-of-health-care plan. Now, if so, on the health care benefits they're receiving under their Medicare Advantage plan that my colleagues on the other side of the aisle will cut $150 billion from Medicare Advantage, will the seniors in the Fifth Congressional District, will they still have access to credit cards, for example, that help them fill the gap to, number one, help pay for the trillion-dollar health care bill and, on the other hand, as $150 billion is taken away from those who receive Medicare Advantage, particularly those in rural areas?

In representing the Fifth Congressional District of Texas, I represent a lot of rural America. So it's a little unclear to me whether the underlying amendment is going to make it easier for seniors to keep those credit cards or not. I believe perhaps at the margin

it does; and because of that, I will urge my colleagues to adopt this.

Again, all of this has to be put in context of the trillion-dollar government takeover of our health care system. And I hope the gentlelady's amendment helps ease the pain of that legislation.

I yield back the balance of my time.

Mrs. MCCARTHY of New York. I would like to say thank you to the gentlelady, Ms. MARKEY, for working on this legislation. Certainly her voice has been a strong voice for the consumers. I will say again, we're in this particular position mainly because there had been no oversight. If you want to talk about health care also, there has been no oversight on giving our constituents the care that they need.

I yield the remainder of my time to Ms. MARKEY.

Ms. MARKEY of Colorado. I thank Congresswoman MCCARTHY for yielding.

Mr. Chair, I rise today to urge my colleagues to support the McCarthy-Markey amendment to H.R. 3639. I have received an alarming number of complaints from my constituents regarding unreasonable credit card rate increases prior to the enactment of the Credit CARD Act reforms. Two of my constituents from Walsh, Colorado, Fred and Kay Lynn Hefley, recently received a notice from Citibank that their interest rate is jumping to 29.99 percent. The Hefleys have had this credit card since 1971 and have been responsible customers.

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Sadly, they are not alone. Taylor Grant from Fort Collins is a small business owner. He has been a responsible Citibank cardholder since 2001 and is now facing similar interest rate increases.

Penalizing customers for maintaining responsible credit practices is unconscionable. This uncertainty in the credit market makes it especially difficult for families who are facing tough economic times at the start of the holiday season.

Our amendment offers credit card companies a choice: obey the spirit of the law and freeze increases to interest rates, fees on any existing or future balances, or changes to account terms to the detriment of a customer. In return, credit card issuers will be given until February 22 to comply with the provision of the Credit CARD Act that requires creditors to apply excess payments to the credit card balance with the highest interest rate.

The effective date of the original Credit CARD Act legislation was set for February of 2010 to give credit card companies enough time to comply with these new regulations—not additional time to violate the spirit of the law by hiking interest rates on consumers.

While I am disappointed that credit card companies have continued to raise interest rates in advance of the effective date of the Credit CARD Act, I believe this amendment provides an opportunity and an incentive for issuers to demonstrate some goodwill towards American consumers.

I urge my colleagues to support the McCarthy/Markey amendment, because it gives credit card issuers the chance to do the right thing, while still providing a benefit to consumers.

I would like to thank Congresswoman MCCARTHY, Chairman FRANK and the Financial Services Committee staff for their collaborative efforts on this amendment.

The CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY).

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

Mrs. MCCARTHY of New York. Mr. Chairman, I demand a recorded vote.

The 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. 3 OFFERED BY MR. MAFFEI

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 111–326.

Mr. MAFFEI. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. MAFFEI:

In section 2 of the bill, strike ''December 1, 2009'' and insert ''the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009''.

Page 6, beginning on line 2, strike ''December 1, 2009'' and insert ''the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009''.

Page 6, line 12, strike ''December 1, 2009'' and insert ''the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009''.

Page 7, beginning on line 2, strike ''December 1, 2009'' and insert ''the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009''.

Page 7, line 12, strike ''December 1, 2009'' and insert ''the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009''.

The CHAIR. Pursuant to House Resolution 884, the gentleman from New York (Mr. MAFFEI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MAFFEI. Mr. Chairman, I yield myself such time as I may consume.

I want to thank Chairman FRANK and Representative MALONEY for all their work on this pressing issue.

Today I am offering a simple amendment to make all provisions of the Credit Cardholders' Bill of Rights effective immediately upon enactment instead of waiting until December 1.

Now why should we care about enacting the bill a matter of just a couple of weeks earlier? Well, earlier this year we worked diligently to pass the Credit Cardholders' Bill of Rights. It was a necessary piece of legislation to protect consumers from the abusive practices that many banks had made standard practice.

While we were working on that legislation, I heard from banks that they could not possibly enact all of the changes by the deadlines we proposed. The banks claimed that to ensure quality customer services they would need months or even years to make the proper changes. Well, that was just last May; and I am frankly disappointed to have to address this situation again today.

Since we passed and enacted the Credit Cardholders' Bill of Rights, credit card companies attempt to fleece customers and hope that Congress didn't notice or have time to act. The same companies that were in my office that claimed that they needed months at least to make changes to their systems apparently only needed in some cases days to find ways to raise interest rates and decrease credit limits on customers across the country.

One caseworker in my Syracuse office watched her card go from 6.9 percent last year to 13.9 earlier this year to a whopping and punitive 29.9 percent in the past few weeks. She carries a balance on that card. But with an interest rate that is suffocating her finances, she almost certainly will not be able to pay that off, so she can't even close the card.

She is not alone. Every day I hear from more and more constituents who tell me they have good credit, that they pay their bills on time, but that the credit card issuers have found a way to raise the rates to extraordinarily high levels. That is why I want to make all provisions of the Credit Cardholders' Bill of Rights effective immediately.

Customers, especially in this economy, cannot wait any longer for these protections. The credit card companies apparently are able to make any changes in interest rates and procedures instantaneously, so why not demand that of them today? If we give them a week or two, they will slam our constituents with even higher rates, trying to squeeze more blood from a stone in the middle of a recession.

We are not allowed to pass legislation retroactively, even though the card companies have retroactively raised rates on consumer balances. What we can do, Mr. Chairman, is make sure that we enact this legislation immediately.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I claim the time in opposition.

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

Mr. HENSARLING. Mr. Chairman, as I have said before, there is never a good time to enact a bad bill. Here we are again in the midst of a huge credit contraction. Every single day people are waking up, they're losing credit cards. Their interest rates are increasing. We have had at least 3.5 million of our fellow citizens lose their jobs since this

administration has taken office. We have the highest unemployment rate in a quarter of a century. And yet in the midst of this credit contraction, when people are having trouble expanding their business, creating jobs, paying their bills, we are going to enact legislation that simply is procyclical and makes the whole matter worse.

I heard the gentleman say we can't enact this retroactively. I would say, at least in the years I have been in the House, we have certainly tried. I suppose that might be the next amendment. Maybe we can make this retroactive to 1974 or some other fairly arbitrary date.

Again, this particular legislation has to be put in the context of the trillion-dollar legislation, the government takeover of our health care system, that this House is due to vote on, apparently, according to the Speaker, either Friday or Saturday. And I question each and every amendment.

Will our constituents be less able or more able to afford to pay for this $1.3 trillion government takeover of our health care system if we pass this amendment? My guess is that the gentleman from New York's amendment fails that test.

And so I would urge that we reject that amendment.

I reserve the balance of my time.

Mr. MAFFEI. Mr. Chairman, I yield 90 seconds to the distinguished gentlewoman from New York, the sponsor of the bill and the chair of the Joint Economic Committee, Mrs. MALONEY.

Mrs. MALONEY. I rise in support of my colleague from the great State of New York and applaud his work to protect consumers.

The banks and credit card companies have earned this regulation and earned this amendment because they did not use the time allocated to them to upgrade their systems. They used the time to raise rates unfairly, any time, any reason, retroactively on existing balances.

The bill that I proposed would go into effect in 5 weeks, the gentleman moves it up immediately, but I think consumers deserve relief as soon as possible, and I support his amendment.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time is remaining on each side?

The CHAIR. The gentleman from Texas has 3 minutes remaining, and the gentleman from New York has 1½ minutes remaining.

Mr. HENSARLING. Thank you, Mr. Chairman.

Again, I fear that this amendment is simply going to take a bad situation and make it worse. How will all of our constituents be able, again, to pay for this monstrosity of a government takeover of our health care system, one that will directly tax a number of our constituents? Page 297, section 501, imposes a 2.5 percent tax on all individuals who do not purchase the government-approved health insurance; 2.5 percent.

Now, again, a number of our constituents use credit cards to help pay for their medical expenses, to pay for their groceries, to pay for everything else. And now a number of them are going to be subject to a 2.5 percent tax. How will this amendment help them?

New taxes on medical devices, a 2.5 percent excise tax, which many call the wheelchair tax, particularly I assume a number of seniors will be subject to this tax. I know a number of them rely upon credit cards. Will their credit cards ultimately be taken away from them under this legislation?

The underlying legislation takes away the ability, erodes the ability to do risk-based pricing and takes us back to an era where a third fewer people had access to credit cards and everybody paid annual fees and everybody paid one universal high interest rate.

The underlying legislation takes us down that road, and the gentleman from New York's amendment gets us there tomorrow. And then later in this week we're going to tell our constituents, Congratulations, we just passed a $1.3 trillion government takeover of your health care system that you have to pay for through new taxes on individuals, new taxes on medical devices, new taxes on small businesses, at a time where this Congress and this administration has brought us the first trillion-dollar deficit in our Nation's history, tripling the national debt—tripling the national debt—in the next 10 years. The least you can do is at least allow your constituents to have a credit card to help pay for this mammoth takeover of our government health care system.

I yield back the balance of my time.

Mr. MAFFEI. Mr. Chairman, in closing, I admire the gentleman from Texas, because to try to defend what the credit card companies are doing is essentially indefensible, so he very artfully tries to change the subject. But I truly believe that this bill just addresses the abusive practices. It would actually make it a lot easier for people who have credit. They would understand exactly what they are getting and exactly what they are paying for.

Now in terms of the effective date of this particular amendment, some say it would be unreasonable to impose this effective date immediately, but not as unreasonable as the credit card issuers have been with their own customers.

Mr. Chairman, the time for delays is over. We gave the credit card companies a chance and they took advantage of our constituents. We can't take the chance of giving them even a week or a day to do it again.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MAFFEI).

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

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

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

AMENDMENT NO. 4 OFFERED BY MS. SUTTON

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111–326.

Ms. SUTTON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Ms. SUTTON:

Page 7, after line 18, insert the following new section:

SEC. 4. ADDITIONAL LIMITATIONS ESTABLISHED.

Section 127 of the Truth in Lending Act (U.S.C. 1637) is amended by inserting after subsection (r) (as added by the Credit CARD Act of 2009) the following new subsection:

''(s) CANCELLATION OF ACCOUNT WITHOUT DETRIMENTAL EFFECT.—If, in the case of a credit card account under an open end consumer credit plan, the consumer receives notice of the imposition of a new fee, and within the 45-day period beginning on receipt of such notice, pays off any outstanding balance on the account, no creditor and no consumer reporting agency (as defined in section 603) may use such pay off or closure of the consumer credit account to negatively impact the consumer's credit score or consumer report (as such terms are defined in section 609 and 603, respectively).''.

The CHAIR. Pursuant to House Resolution 884, the gentlewoman from Ohio (Ms. SUTTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. SUTTON. I thank you, and I yield myself such time as I may consume.

I would like to thank both Congresswoman MALONEY and Chairman FRANK for bringing this bill to protect consumers from the egregious practices being engaged in by credit card companies to the floor and for their support of this amendment.

In May, Congress overwhelmingly passed major credit card reform legislation to end the many unfair and deceptive practices that credit card companies have been legally perpetrating for some time. But many of these protective provisions do not go into effect until February 2010 or later. So what are credit card companies doing?

Rather than preparing to implement these new consumer protections, the credit card industry saw this as a window of opportunity to squeeze more money out of consumers. They are raising interest rates and minimum payments while lowering credit limits. They are instituting fees of all shapes and sizes. I am sure that every Member of Congress has heard from constituents who have suffered under these practices. I know I have.

The bill before us today, H.R. 3639, will move up the effective date for credit card reforms to December 1, 2009. I am proud to be an original cosponsor of this bill, and I urge its final passage.

The amendment I am offering tackles the dilemma faced by consumers who receive notice of new fees on their

credit card accounts. As credit card companies search for new ways to make money, they are looking to charge fees where there were none before: new annual fees, inactivity fees, fees for failure to carry a monthly balance. Yes, now some credit card companies are indicating they will be charging a fee to consumers who pay off their balances every month. Can you imagine?

I find it outrageous, but the credit card companies argue that if the consumers don't like it, they can close their account. The choice is, pay the fee or close your account. The problem is that closing your account can hurt your credit score, and credit scores and credit reports play a large role in our society and can really impact people's lives. They are used by mortgage lenders, employers, landlords and insurance providers. This amendment is about leveling the playing field.

□ 1330

This amendment protects consumers by preventing the closure of a credit card account because of new fees from negatively impacting a consumer's credit report or credit score. It will allow consumers to cancel their card or shop around for another card with terms without taking a hit on their credit score. I urge a ''yes'' vote on this amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I claim the time in opposition.

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

Mr. HENSARLING. Mr. Chairman, there are aspects of the legislation I am not sure that I completely understand, and if the gentlelady from Ohio would be willing to explain her amendment, I will be happy to yield her time.

On line 9 of the amendment, it speaks of the notice of the imposition of a new fee, and I am curious whether a new fee, does that include increasing the amount of a fee that is already in existence?

I yield to the gentlelady for a clarification.

Ms. SUTTON. I appreciate the inquiry, and I believe it would.

Mr. HENSARLING. That it would, okay.

So an altogether new fee that had not previously been imposed, that would be included in the language and any increase in an existing fee would come within your definition of new fee, correct?

I yield to the gentlelady.

Ms. SUTTON. I thank the gentleman for yielding. And yes, that would be the understanding because that fee is a new fee to the consumer. They would then have the opportunity to either continue to engage in using that account with that new fee imposed, or they would have a chance to shop around in the free market to find an account that would be more compatible with their interests. They should not be penalized on their credit report for doing so.

Mr. HENSARLING. I thank the gentlelady for her explanation.

The next question I had, on line 14 there is the phrase ''to negatively impact.'' I am curious whether or not certain creditors feel they are getting accurate data, whether or not this could cause them to drop the consumer's credit card in total, but I suppose the language you use is to negatively impact the consumer's credit score or credit report. So if the impact of your amendment, because incomplete or inaccurate data was given by a credit bureau to a creditor and they chose instead not to take the risk, that the negative impact of losing their credit card, that is not assumed in your amendment?

I yield to the gentlelady.

Ms. SUTTON. That is not a problem that would result from what this amendment is striving to do. This would just protect the imposition of a negative credit score because when you cancel a card, it will limit the amount of credit you have available, and then that is used by credit scorers.

Mr. HENSARLING. Reclaiming my time, I thank the gentlelady for her explanation. I fear for, frankly, a number of creditors it might just have that impact.

So again, I would oppose the underlying amendment because I think, again, under the purpose of attempting to help the consumer, you might actually hurt the consumer. And I think what we want is to make sure that creditors receive the most accurate information possible because it has helped allow more Americans to receive credit than otherwise would be possible.

Now I don't know, there may be some credit bureau out there who believe that people like me who wear red ties are a greater credit risk, I don't know, I am not an expert in it, and I feel quite certain that my colleagues are not experts on what constitutes a greater or lesser credit risk, and except for the prohibited classes of race, creed, and color which have been clearly delineated in our civil rights laws, why do we want to start dictating to credit bureaus about what constitutes a greater risk and what constitutes a lesser risk.

Again, it might make us feel better. It may have good optics; but at the end of the day, I fear the result is if you start restricting, if you go down the road of beginning to restrict the information that is available to creditors, with less information, they are either going to make credit less available or they are going to increase the cost of it because it becomes a greater risk.

Listen, on its face the gentlelady's amendment strikes me as fair; but I don't believe Congress has expertise in this. Again, when we are facing the imposition of a trillion dollar government takeover of our health care bill, I believe this will make credit less available and more costly.

I reserve the balance of my time.

Ms. SUTTON. Mr. Chairman, I would inquire how much time we have remaining.

The CHAIR. The gentlewoman from Ohio has 2½ minutes. The gentleman from Texas has 15 seconds.

Ms. SUTTON. At this time I yield 90 seconds to the distinguished gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the gentlelady's amendment. It merely gives more responsibility and control to consumers to better manage their own credit. FICO scores should not go down if consumers are trying to do the right thing by getting out of debt. What I hear from my consumers and friends and people who write my office is that they want to cancel a card because of unfair fees and interest rate increases, yet if they cancel their card, then their credit score suffers. This is absolutely wrong when they are doing the right thing of trying to get out of debt, to better control their own finances, to stop unfair fees and unfair interest rates retroactively on their balances.

This is a good amendment. I support it. It would be an important step to take even in a stand-alone bill. It is a very important step and a responsible step to help consumers better manage their own finances and level the playing field between consumers and credit card issuers.

Mr. HENSARLING. Mr. Chairman, I reserve my time to close.

Ms. SUTTON. Mr. Chairman, I appreciate the gentlewoman from New York's remarks. I do indeed feel better when we protect consumers. This amendment is all about leveling the playing field, giving the consumer a fair shake, an opportunity to evaluate whether or not they want to continue with an account that imposes whatever fee has been dreamed up. In this case, the one that really struck a chord was imposing a new fee on credit card users who pay down their balance every month. So we have to think about that. First, they impose all kinds of interest rate increases. Then they impose all kinds of other new fees, and now they are going to actually impose a fee on people who pay down their balances every month.

Mr. FRANK of Massachusetts. Would the gentlewoman yield?

Ms. SUTTON. I yield to the gentleman.

Mr. FRANK of Massachusetts. I very much appreciate the gentlewoman's amendment. The notion that people should be penalized for being prudent is outrageous. What this says is if you close out a credit card account, which is an act of prudence, you shouldn't be penalized for it. It is one of these things that I am embarrassed that we ever had to deal with in the first place because that situation should have never been allowed to have existed. The gentlewoman has a very good amendment.

Ms. SUTTON. I thank the gentleman, and I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, I would agree with the chairman of the full committee, people who do it right shouldn't be penalized, and that is exactly what is happening in the underlying legislation.

This particular amendment is simply tantamount to a gag order to tell credit bureaus that they can't report accurate information that creditors want in order to give credit. It is going to take credit away, make it more expensive and less available as we try to finance the trillion dollar government takeover of health care.

The CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. SUTTON).

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

Ms. SUTTON. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 5 OFFERED BY MS. SUTTON

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 111–326.

Ms. SUTTON. Mr. Chairman, as the designee of Mr. STUPAK, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Ms. SUTTON:

Page 7, after line 18, insert the following new section:

SEC. 4. MORATORIUM ON RATE INCREASES.

(a) IN GENERAL.—During the period beginning on the date of the enactment of this Act and ending 9 months after the date of the enactment of the Credit Card Accountability Responsibility and Disclosure Act of 2009, in the case of any credit card account under an open end consumer credit plan—

(1) no creditor may increase any annual percentage rate, fee, or finance charge applicable to any outstanding balance, except as permitted under subsection 171(b) of the Truth in Lending Act (as added by Public Law 111–24); and

(2) no creditor may change the terms governing the repayment of any outstanding balance, except as set forth in section 171(c) of the Truth in Lending Act (as added by Public Law 111–24).

(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ANNUAL PERCENTAGE RATE.—The term ''annual percentage rate'' means an annual percentage rate, as determined under section 107 of the Truth in Lending Act (15 U.S.C. 1606).

(2) FINANCE CHARGE.—The term ''finance charge'' means a finance charge, as determined under section 106 of the Truth in Lending Act (15 U.S.C. 1605).

(3) OUTSTANDING BALANCE.—The term ''outstanding balance'' has the same meaning as in section 171(d) of the Truth in Lending Act (as added by Public Law 111–24).

(4) OTHER TERMS.—Any term used in this section that is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602) and is not otherwise defined in this section shall have the same meanings as in section 103 of the Truth in Lending Act.

(c) REGULATORY AUTHORITY.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System may prescribe such regulations as may be necessary to carry out this section.

(2) EFFECTIVE DATE.—The provisions of this section shall take effect upon the date of the enactment of this title, regardless of whether rules are issued under subsection (a).

The CHAIR. Pursuant to House Resolution 884, the gentlewoman from Ohio (Ms. SUTTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. SUTTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the designee of Mr. STUPAK, I am calling up this amendment on behalf of my good friend, the Congressman from Michigan, Mr. STUPAK, who is unable to be here with us today due to a death in his family.

Many of our Nation's largest banks received assistance through the Troubled Assets Relief Program, TARP, and these same banks are some of the largest issuers of credit cards. While executives on Wall Street are paid millions of dollars in executive bonuses on the government's credit line, they continue to engage in deceptive and misleading practices that take advantage of consumers and force them to accumulate more debt.

I and 356 of my colleagues supported the Credit Cardholders' Bill of Rights, H.R. 627, passed by Congress earlier this year. Unfortunately, the reforms put into place by this law are being circumvented, as we heard here today, by credit card companies. Card issuers are raising interest rates, raising minimum payment amounts, and charging extra fees before the bill takes effect.

In this economic crisis, far too many families are forced to rely on short term, high interest credit card debt to pay for food, for housing, and other basic necessities. In Congressman STUPAK's district in northern Michigan, unemployment ranges from 6 to 28 percent. In Ohio, the unemployment rate is 10.1 percent. Families are falling behind on their payments and have fallen victim to the predatory practices of the Nation's credit card companies. Moving the enforcement date forward is critical to helping families across this country.

This amendment will immediately freeze interest rates on existing credit card balances until the Credit Cardholders' Bill of Rights goes into effect. For too long, the credit card industry has preyed upon consumers through omission of honest billing practices and through loopholes in credit regulation that are common among banking institutions.

On behalf of Congressman STUPAK, I urge my colleagues to support my amendment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I claim the time in opposition.

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

Mr. HENSARLING. While I am somewhat unclear why this amendment was made in order, it seems to do precisely the opposite of what the Expedited CARD Reform for Consumers Act was supposedly designed to do. This freezes prices. And yet we have had so many Members on the other side of the aisle tell us the bill doesn't do that.

I see that the chairman of the full committee has come back to the floor. Just in September, on September 23, the chairman was quoted as saying on the House floor, When it comes to rate setting, this bill, to the disappointment of some, doesn't limit future rates. As far as the future is concerned, if proper notice is given, this bill is not restricted.

Well, the adoption of this amendment would seem to fly in the face of that. The chairman, I assume, was correct when he said it. But if the House adopts this amendment, it will no longer be true.

The chairman of the subcommittee, the gentleman from Illinois (Mr. GUTIERREZ), There is no limit in this bill on the interest rate that you can charge. None whatsoever. That was spoken on the House floor on April 29. Again, if the amendment is adopted, that will no longer be true.

This bill aims to bring back some balance in the playing field. Unlike other proposals out there, this bill does not set price controls or rate caps or limit the size of fees. That would be the gentlelady from New York who spoke those words in subcommittee in March of 2008. Again, if the underlying amendment is adopted, it seems to change the nature of the underlying bill.

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. HENSARLING. I would be happy to yield to the chairman.

Mr. FRANK of Massachusetts. The bill does not impose any restrictions other than those in the underlying bill. What it says is, section 4(a) in general, during this period and ending 9 months after the date, it says no creditor may increase any annual percentage rate fee or finance charge except as permitted under subsection 171(b) of the Truth in Lending Act, the CARD Act. So it does have restrictions, but it only reaffirms those that were already in there with the 9-month date. It does not do any new restriction on the ability to raise rates.

□ 1345

Mr. HENSARLING. Well, I thank the chairman.

Reclaiming my time, During the period beginning on the date of the enactment of this act and ending 9 months after the date, no creditor may increase annual percentage rate fee finance charge. Again, under the subsection it appears again ''for at least a 9-month period.''

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. HENSARLING. Yes, I would be happy to yield to the gentleman.

Mr. FRANK of Massachusetts. He stops reading inexplicably. He's got to work on his attention span because it goes on to say, Except——

Mr. HENSARLING. Well, reclaiming my time, I was still reading as I yielded to the chairman. So I can either read or I can yield to the chairman. I would be happy to yield to the chairman.

Mr. FRANK of Massachusetts. I apologize, because the part that we were probably both going to read—and we will work on doing it in unison—says, Except as permitted under subsection 171(b). That is, it imposes no new restrictions. It does revert back to those that are already enacted into law.

Mr. HENSARLING. Well, reclaiming my time, then I would question the body on what particular purpose the amendment then serves.

Mr. FRANK of Massachusetts. Would the gentleman yield? That's not a bad question. I don't have as good an answer to that question as I had to the one before.

The CHAIR. The gentleman from Texas controls the time.

Mr. HENSARLING. At this point, I will reserve the balance of my time.

Ms. SUTTON. This amendment gives immediate protection to the consumer and will end any manipulation of existing credit card contracts by companies prior to the December 1 date. It's as simple as that.

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

Mr. HENSARLING. Mr. Chairman, may I inquire how much time is remaining?

The CHAIR. The gentleman has 1 minute remaining.

Mr. HENSARLING. Well, one thing of interest, I suppose, is that if we adopt the earlier amendment of the gentleman from New York, this all becomes irrelevant anyway since the effective date would be immediate. So I believe that——

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. HENSARLING. I have only 60 seconds, but yes, I will yield a short time to the chairman.

Mr. FRANK of Massachusetts. The point is this: Given the context of all these amendments, this one doesn't have great effect. But as Members filed amendments, it wasn't clear all the amendments that were there. I think if the gentleman knew everything else that was going to be done, it might not have appeared.

Mr. HENSARLING. I thank the chairman for his clarification.

Again, I believe that ultimately this is an amendment that would simply impose price controls for a limited duration of time, contrary to what some of us were led to believe.

But again, the most important aspect of this legislation has to be put into the context of the $1 trillion government takeover of our health care plan to be voted on Friday or Saturday. This will make credit more expensive and less available. It should be defeated.

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

The CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. SUTTON).

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

Ms. SUTTON. Mr. Chairman, I demand a recorded vote.

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

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 111–326 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. HENSARLING of Texas;

Amendment No. 2 by Mrs. MCCARTHY of New York;

Amendment No. 3 by Mr. MAFFEI of New York;

Amendment No. 4 by Ms. SUTTON of Ohio;

Amendment No. 5 by Ms. SUTTON of Ohio.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 427, noes 0, not voting 11, as follows:

[Roll No. 845]

AYES—427

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz

Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Braley (IA)
Coffman (CO)
Davis (TN)
Deal (GA)
Gerlach
Murphy, Patrick
Norton
Nunes
Pierluisi
Sánchez, Linda T.
Stupak

□ 1414

Messrs. WITTMAN, DINGELL and PALLONE changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MRS. MCCARTHY OF NEW YORK

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 427, noes 0, not voting 11, as follows:

[Roll No. 846]

AYES—427

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

NOT VOTING—11

Braley (IA)
Coffman (CO)
Davis (TN)
Deal (GA)
Gerlach
Murphy, Patrick
Norton
Nunes
Sánchez, Linda T.
Slaughter
Stupak

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remain in this vote.

□ 1422

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. MAFFEI

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. MAFFEI) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 251, noes 174, not voting 13, as follows:

[Roll No. 847]

AYES—251

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bordallo
Boren
Boswell
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
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)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
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)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—174

Aderholt
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boucher
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
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
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Akin
Braley (IA)
Coffman (CO)
Davis (TN)
Deal (GA)
Gerlach
Murphy, Patrick
Norton
Nunes
Rothman (NJ)
Sánchez, Linda T.
Stupak
Wexler

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remain in this vote.

□ 1430

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. COFFMAN of Colorado. Mr. Chair, on rollcall Nos. 845, 846, and 847 I was unavoidably detained.

Had I been present, I would have voted on rollcall 845—"aye," on rollcall 846—"aye," and on rollcall 847—"no."

AMENDMENT NO. 4 OFFERED BY MS. SUTTON

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Ms. SUTTON) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 353, noes 71, not voting 14, as follows:

[Roll No. 848]

AYES—353

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccieri
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Camp
Campbell
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
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
Faleomavaega
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Heinrich
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McNerney
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOES—71

Akin
Austria
Bachmann
Bachus
Barrett (SC)
Boehner
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Calvert
Cantor
Carter
Castle
Cole
Conaway
Davis (KY)
Dreier
Flake
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey (GA)
Granger
Hall (TX)
Hastings (WA)
Hensarling
Himes
Inglis

Issa
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Lamborn
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Mack
Marchant
McCaul
McClintock
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Neugebauer
Olson
Paul
Pence
Poe (TX)
Price (GA)
Radanovich
Rohrabacher
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sessions
Smith (TX)
Sullivan
Thompson (PA)
Thornberry
Westmoreland

NOT VOTING—14

Becerra
Braley (IA)
Davis (TN)
Deal (GA)
Gerlach
Hastings (FL)
Meeks (NY)
Murphy, Patrick
Norton
Nunes
Sánchez, Linda T.
Stupak
Wasserman Schultz
Yarmuth

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1436

Messrs. HIMES and ROHRABACHER changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MS. SUTTON

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Ms. SUTTON) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 173, not voting 16, as follows:

[Roll No. 849]

AYES—249

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Andrews
Arcuri
Baird
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Bordallo
Boswell
Boyd
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Fudge
Giffords
Gordon (TN)
Grayson
Green, Al
Green, Gene
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Hill
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
Kissell
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lummis
Lynch
Maffei
Maloney
Markey (MA)
Marshall
Massa
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOES—173

Akin
Alexander
Altmire
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Cardoza
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Dahlkemper
Davis (KY)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
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
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey (CO)
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy (NY)
Myrick
Neugebauer
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

NOT VOTING—16

Baca
Boucher
Braley (IA)
Davis (TN)
Deal (GA)
Gerlach
Gonzalez
Griffith
Gutierrez
Kind
Murphy, Patrick
Norton
Nunes
Sánchez, Linda T.
Stupak
Waters

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1444

Mr. CHILDERS changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BACA. Mr. Chair, on rollcall No. 849, had I been present, I would have voted "aye."

The CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. DEGETTE) having assumed the chair, Mr. PASTOR of Arizona, 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. 3639) to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes, pursuant to House Resolution 884, he reported the bill, as amended pursuant to that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 884, the question of adoption of the further amendments will be put en gros.

The question is on the amendments.

The amendments were 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. CASTLE. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CASTLE. In its current form, I am, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Castle moves to recommit the bill H.R. 3639 to the Committee on Financial Services with instructions to report the same back to

the House forthwith with an amendment as follows:

Page 7, after 18, insert the following new section:

SEC. 4. FEDERAL RESERVE CERTIFICATION.

Not later than the end of the 1-week period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall submit a report to the Congress certifying whether or not the implementation of necessary regulations under those provisions affected by the amendments made by section 2 and section 3 of this Act is feasible by December 1, 2009. Unless such certification states that such implementation is feasible by December 1, 2009, section 2 and section 3 of this Act shall have no force or effect.

□ 1445

The SPEAKER pro tempore. The gentleman from Delaware is recognized for 5 minutes.

Mr. CASTLE. Madam Speaker, let me just give a little background on all of this. This is not a very complex motion to recommit. This legislation, which I supported, by the way, in its original form, the Credit Card Accountability Responsibility and Disclosure Act of 2009, was negotiated, I think fairly, by the chairman of the committee and various members. It was on a parallel track with what the Federal Reserve was doing as a way of protecting consumers as well.

The legislation took precedence. It was considered in committee, and there was some negotiation about the date on which it would go into effect because of the time it would take for the various credit card companies and others involved in this process to be able to manage all of this. The date that was negotiated was February 22 of next year, 2010. That would have been about 3 or 4 months sooner than what the Federal Reserve had been considering, which I believe was in July of 2010.

In the interim period of time, there has been a lot of work by various people trying to put this into place, and a lot of things have happened in arguments which we've heard on the floor, that is, that some small businesses are being impacted by this, some people have lost credit or whatever, for better or for worse.

But the bottom line is that the various credit card companies have a lot of work to do to implement this, to put their plans into place, and some probably have done it better than others, if I had to guess. The bottom line is that I don't know, I can't judge this. I don't know if they are ready to do this by the date of December 1 or not.

So the motion to recommit is relatively simple. It basically indicates that the governors of the Federal Reserve System within no more than a 1-week period of time should submit a report to us in Congress about whether these provisions under the sections of this bill that would implement it, sections 2 and 3, should go into effect or because of the mechanics of doing this, it should wait until the February 22 date.

That is simply what it does. It doesn't change it. It doesn't alter it. It just speaks to the date of all this going into place. There is a certain fairness issue in this, Madam Speaker, that we have to deal with. Even for those of us who supported this legislation, it seems to me that we're going back on these negotiations.

We're basically telling all the issuers out there, except for the smaller issuers—and I thank the chairman and others who worked on the rule change to eliminate some of the smaller issuers—but having said that, some of the others have to deal with this. They have to deal with their implementation. They have to deal with the question of whether they can do it in that kind of time or not.

As I have indicated, I don't know if any of us here can really stand in judgment of that, and we believe that the Federal Reserve is the best to do that. As a matter of fact, Saundra Bernstein, who is the Fed's own director of consumer affairs, testified at one of our hearings that the reason for this timeline is because card issuers would need to rethink their entire business models to reprogram their systems and redesign their marketing materials, solicitations, periodic statements, and contracts. It's all well and good for us to stand here as Members of Congress and say, Gee, we'll make this change that would benefit consumers or whatever, but it may not be practical.

I would encourage both sides of the aisle to listen to this. Indeed, if the Federal Reserve makes a decision—and I have no idea how they would judge it—but they make a decision that it could be done by December 1, we'll move ahead in that time. If they don't, it will be kept at the original time that was in the bill to begin with. In States like mine, which has a good deal of banking activity, and in States like Connecticut, New York, South Dakota, Nebraska, Rhode Island, the other States that have a lot of banking activity, this has been a very significant issue. They have already lost jobs in the banking world. They continue to.

My judgment is that we do need to give them the time to properly implement acts such as this. My sense is that we should at least review this before that determination is made that we can move it from February 22 to the December 1 date, which is in this legislation.

So I would encourage everybody here to look at this and to support it. It doesn't alter the fact that we are going to have this change. It just takes this date and allows it to be reviewed by people who have some expertise to determine if they should move forward at this point or not. So I would hope that this is a motion which could be considered by both sides of the aisle.

With that, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I rise in opposition to the recommit motion.

The SPEAKER pro tempore. Is the gentleman opposed to the motion?

Mr. FRANK of Massachusetts. Yes, Madam Speaker.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, first, I will acknowledge—and the gentleman from Delaware was quite civil—I will acknowledge that this is a moderate approach. I only hope, given the current situation, he is not in political trouble for taking a moderate approach in his party, but that's a matter for another day.

The issue for me here is the extent to which many of my colleagues on the other side are engaged in an on-again/off-again love affair with the Federal Reserve. The Federal Reserve has often been the object of their scorn, but when it comes to consumer protection, the Federal Reserve is sometimes a convenient bulwark against that. For example, when the committee passed the Consumer Financial Protection Agency Act, which transfers more power from the Federal Reserve than any other group of Federal entities, many of my Republican colleagues ran to the defense of the Federal Reserve by quoting the Chairman of the Federal Reserve as saying, Don't take this away from us. We have this on-again/off-again.

What this bill does is really quite remarkable. It empowers the Federal Reserve to cancel an act of Congress. We are hoping to get this bill passed, and there was some concern in the Senate from the Senate chairman. And thanks to the amendment that was offered by the gentlewoman from New York (Mrs. MCCARTHY) and the gentlewoman from Colorado (Ms. MARKEY), we have accommodated his concerns. We think we have a workable proposal here.

What the recommit says is, if the bill passes the House and passes the Senate and is signed by the President, we will then wait for the permission of the Federal Reserve Board of Governors to implement it; and if they say it's not feasible, then the bill dies. In fact, they did write us, however, and say that if they had to do it by December 1—we wrote to them a couple of weeks ago—here is this problem that they wouldn't be able to get full comments in.

But they also note the Administrative Procedures Act does provide a good clause exception when the notice and comment period would be impractical, unnecessary, or contrary to the public interest.

So what they say is, if the effective date for these provisions were moved to December 1, the board would have to issue final regulations without waiting for comments. But the point is that they've had a lot of time for comments. The Federal Reserve proposed this earlier after the gentlewoman from New York initiated it. The President signed the bill, the underlying bill, the effective date of what we're trying to do in advance, on May 22. They've had—what is that, 5½ months to study it. This is not the most complicated thing in the world.

And by the way, if this was so complicated to figure out, how did the banks manage to be able to increase so quickly? Apparently, the banks have this problem: when it comes to implementing the law, they're working with typewriters. When it comes to raising your rates retroactively—remember, the biggest single part of this bill is that it says, if you've got a credit card and are abiding by the terms of that credit card, you bought things and you are charging them at the interest rate you were told would apply, and you make every payment you were obligated to make, they can retroactively raise your rates.

That is the biggest single thing we stopped. I don't see why it is going to take them 8 or 9 or 10 months or a year to figure it out. I thought February was too much time in the first place.

But here is the basic point: several of us said, okay, we will reluctantly agree to February for a bill that is passed in May, to do something that's not that complicated. But if you abuse it, if you use the time to raise rates and then blame us for it, adding insult to injury, then we are going to speed it up. So I think our credibility is at issue here. We in good faith said, take some time to implement it. May 22 until February. Many of you have heard what they did was to speed this up. There is an element of fairness here. And, yes, the Federal Reserve will have to forgo some public comments. I think I would say to people, You know, we have until December 1. If you are out there and you think the Federal Reserve is going to listen to you—Madam Speaker, let me violate the rule, please, and address people who aren't here. If you're listening, and you really need to talk to the Federal Reserve, write them a letter, send them an email, call them up. You don't have to wait. So we can get your comments in now, and we can go into effect by December 1.

We should certainly never set the precedent that any agency, and certainly not the Federal Reserve, which has become so controversial, should be given the power to suspend an act of Congress before it goes into effect. That is what this does. It says that we will pass this law; but unless it is certified as feasible by the Federal Reserve, it doesn't go into effect. I have a lot of respect for the Federal Reserve, but they're not in charge of what we think is feasible. They're not in charge of telling us that we have to wait more for public comments when our constituents, we believe, are being mistreated.

So I hope the motion to recommit is defeated.

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. CASTLE. Madam 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 171, noes 253, not voting 8, as follows:

[Roll No. 850]

AYES—171

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
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMahon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Olson
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
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)

NOES—253

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Bright
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
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
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
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
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Sutton
Tanner
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

NOT VOTING—8

Braley (IA)
Davis (TN)
Deal (GA)
Gerlach
Murphy, Patrick
Nunes
Sánchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1517

Ms. WATERS, Messrs. VISCLOSKY, QUIGLEY, and Ms. SLAUGHTER changed their vote from ''aye'' to ''no.''

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. FRANK of Massachusetts. Madam 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 331, noes 92, not voting 9, as follows:

[Roll No. 851]

AYES—331

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
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
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gonzalez
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
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 (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCotter
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
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 (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Sutton
Tanner
Taylor
Teague
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)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—92

Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bishop (UT)
Blackburn
Boehner
Bonner
Boustany
Brady (TX)
Broun (GA)
Burton (IN)
Campbell
Cantor
Carter
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Inglis
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Manzullo
Marchant
McCarthy (CA)
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Olson
Paul
Pence
Pitts
Poe (TX)
Price (GA)
Radanovich
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Westmoreland

NOT VOTING—9

Braley (IA)
Chandler
Deal (GA)
Gerlach
McCollum
Murphy, Patrick
Nunes
Sánchez, Linda T.
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1525

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CHANDLER. Madam Speaker, during rollcall vote No. 851 on H.R. 3639, I was unavoidably detained. Had I been present, I would have voted "aye."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

COMMISSIONING OF THE USS "NEW YORK" LPD 21

Mr. TAYLOR. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 856) recognizing the Commissioning of the USS *New York* LPD 21.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 856

Whereas, on September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of them into the twin towers of the World Trade Center in New York City, a third into the Pentagon, and a fourth near Shanksville, Pennsylvania;

Whereas nearly 3,000 people were killed on September 11, 2001, in the most lethal terrorist attack ever committed against the United States;

Whereas then-Governor George Pataki requested the Navy name a ship involved in counterterrorism efforts after the State of New York shortly after September 11, 2001;

Whereas, on September 6, 2002, the Secretary of the Navy announced the name of the fifth vessel of the San Antonio-class Amphibious Transport Dock ships would be named USS New York LPD 21;

Whereas, on March 1, 2008, the USS New York LPD 21 was christened at the Avondale Shipyard in Avondale, Louisiana, by Mrs. Dotty England, in a ceremony attended by officials of the New York City fire and police departments as well as surviving family and friends of those lost on September 11, 2001;

Whereas the USS New York LPD 21's bow is comprised of 7.5 tons of steel forged from the wreckage of the World Trade Center and erected onto the vessel in conjunction with a dignified ceremony conducted on September 9, 2003, and attended by officials of the New York City fire and police departments as well as surviving family and friends of those lost on September 11, 2001;

Whereas the USS New York LPD 21 is the newest entry to the Navy's fleet of San Antonio-class Amphibious Transport Dock (LPD) warships;

Whereas the USS New York LPD 21 will serve as an integral part of Navy and Marine Corps Expeditionary Strike Groups and will be able to deploy 700 Marines and associated equipment of the Strike Group Marine Expeditionary Unit;

Whereas the USS New York LPD 21's primary mission will be to deploy amphibious assault capability anywhere in the world, on short notice, and that this force is the only force in the United States Armed Forces with such capability, and that such amphibious operation is central and key to suppression of terrorist organizations;

Whereas the USS New York LPD 21 displaces 24,900 tons at sea, with the capability of cruising at speeds in excess of 22 knots;

Whereas everyday, the men and women of the United States Armed Forces continue global efforts to protect and defend the United States;

Whereas nearly 10 percent of the commissioning crew of USS New York LPD 21 hail from the Empire State;

Whereas the USS New York LPD 21 has a main passageway dubbed "Broadway", the ship's insignia references the Statue of Liberty, the Twin Towers, the New York Police Department, and the Fire Department of New York, and the galley features a pre-9/11 neon outline of the city;

Whereas the motto of the USS New York LPD 21 is "Strength Forged Through Sacrifice. Never Forget"; and