

because I have entered it so many times in the computer trying to get gifts for my family and my children. So I am very aware of my credit card this time of year.

I have spent some time this year in the Senate looking at the issue of credit cards, and as we all are wringing our hands and gnashing our teeth over the subprime mortgage mess, I think we all need to begin to wring our hands and gnash our teeth about some of the credit card practices in this country. We have allowed the credit card industry to play a little fast and loose with fairness.

I certainly fundamentally understand that people's obligations in terms of their credit, their unsecured credit on a credit card, are primarily their responsibility and it is important that people be responsible when they enter into debt, and it does not matter what kind of debt it is, whether it is credit card debt or any other kind of debt. On the other hand, I have spent some time trying to read through the fine print on some of these credit card agreements. Frankly, I have been trained as a lawyer, I have worked as a lawyer for most of my adult life, I have been a State legislator, I have now worked at the Federal level legislating, and I can't understand a lot of the fine print on some of these credit card statements. If I can't understand the fine print on a lot of these credit card statements, what shot does someone who has not spent as much time around the law as I have?

If you look at what is going on with the unsecured credit card industry in terms of some of the fast-and-loose play with the rules, the kinds of tricks that are being played—I will give you a great example. We now know your interest rate can go up if you get near your credit limit. We now know you can call and get an authorization to charge money on your credit card, and they will let you do it even if you go over your credit limit, and then they are going to charge you every month an extra fee because you went over your credit limit, which they said was okay for you to do. You never know this.

Imagine my interest when I learned in a hearing this year that they can raise your interest rate on your credit card just by getting more credit cards. So if you are going into a department store and they say: Hey, you can get 15 percent off today if you open a credit card, you can get 10 percent off today if you open a credit card, the act of opening those credit card accounts can increase your interest on another credit card. Now, who would have thunk that? No one ever explains that to the American consumer. No one ever explains that getting at or near your credit limit on a number of credit cards could require your interest rates to go up even if you are paying your bills on time, even if you have always paid exactly what you are supposed to pay on time every month.

It is very important that we get a handle on this. This is a great example. A member of my staff who knows I have been very interested in this brought this in to me this week. We just had a hearing where we learned that if you get to your credit limit, it is possible they will raise your interest rate even if you paid everything on time. Well, what is this? This staff member of mine had several thousand dollars left in available credit on one of his credit cards. So what happens? He gets checks in the mail from his credit card company, and the first one is made out. Guess how much it is made out for. It is made out for an amount that will get him very close to his credit limit. So the idea here is if you fill them all out, guess what. Bingo. You are over your credit limit, and then all the fees and the extra interest rates start.

Well, I have to tell you—by the way, there is nothing on this that says: If you go over your credit limit, not only will we charge you fees, but we are probably going to raise your interest rate. That is never explained to the American consumer. That is not fair play.

Make it very clear to your credit card customer exactly what they are going to pay for and when. Fifty percent of the people who have credit cards in this country right now are paying minimum balances only, and they don't understand they are in a hole they can't dig out of.

The credit card companies say: We have not had that much increase in defaults. Well, I will tell you, here is what is different: A lot of the credit card debt in this country—hundreds of billions of dollars of the credit card debt in this country—has been rolled into home equity lines of credit because of this housing boom we were on, and everyone was combining their credit cards, and a lot of that debt has been transferred to mortgage debt.

This is stuff that needs to get fixed, it needs to be fair, and the rules need to be clear to anyone because I will tell you, if we don't get it fixed, we are going to be wringing our hands and worrying about the next big problem in our economy, and that is all this unsecured credit that goes unpaid.

I think the credit card is a wonderful tool for Americans. It has allowed our country to consume at great levels, has kept our economy pumping. But at the end of the day, if we don't require the credit card companies to make full disclosure in a way that everyone can understand exactly what they are charging for this very expensive form of credit, we are going to regret it.

There are two pieces of legislation. First, Senator LEVIN and I have introduced a Stop Unfair Credit Card Practices Act which prohibits some of the most egregious examples I have talked about that unfairly deepen or prolong credit card debt held by consumers.

The other piece of legislation is one I am cosponsoring with Senator KOHL

that deals with college students. Nothing strikes more fear in the heart of a parent who has two children in college than the idea that someone wants to send them credit cards right now.

I love my two children in college very much. I think they are smart and wonderful people. But, believe me, neither one of them has the resources to handle a credit card right now. The only resources they have to handle a credit card right now are mine. If they want to send me the credit card, that is fine, and if I want to help my kids, that is fine, but the idea that we are now selling lists of college students to credit card companies so they can send them—by the way, one of these credit card officials actually had the nerve to say in a hearing that he found college students to be a very good risk. Well, yes, because their parents pay it off because they do want not want them to have had credit when they get out of college. But college students do not have the wherewithal to take on unsecured debt. They are having a hard enough time just getting to class and getting everything done, much less taking on unsecured debt.

We need to stop some of these practices that are victimizing the American consumer. We can do it. We can do it in the Senate. I look forward to working with my colleagues in the new year to see if we can't make it a better year for middle-class America that is buried under credit card debt without the playbook to show them how to get out.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I relinquish my right to be recognized at this moment as I have another commitment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BENNETT. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

FEC VACANCIES

Mr. BENNETT. Mr. President, I rise to note with some sadness that we are reaching a point at the end of this session where it appears we will adjourn without acting on any of the nominees for the Federal Election Commission. The effect of this will be to leave the Federal Election Commission with only two functioning commissioners, when the law calls for six. It is worse than that. The law insists that no action can be taken by the commission without the votes of at least four. So by having only two left, we will leave

the Federal Election Commission with no capacity to function.

I have a history with the Federal Election Commission which makes me sensitive to the importance of this group. When I was elected, there was an allegation made against me which I considered highly partisan. It went before the FEC and before the entire commission a vote was taken, with the three Republicans upholding the position I took and the three Democrats holding the position on the other side. Because they could not muster four votes, nothing was done. In my view, this was justice. But the thing I found difficult was the fact that the partisanship on the FEC was so heavy, there was an almost automatic 3-3 vote on everything. It makes far more sense for the commissioners to work together to recognize the merits of the case, rather than simply responding in a knee-jerk partisan fashion to the individual or group that is bringing the charge. In my case, that is what was happening. A Democratic group brought the charge that I had violated the law. The three Democrats on the FEC automatically agreed with that, and the three Republicans automatically disagreed. I don't think, frankly, any of them spent any time examining the merits. If they had, I am sure I would have been unanimously exonerated, but that is not the way it worked in those days.

It got to the point here on the floor where a piece of legislation was introduced saying, whenever there is a tie in the FEC, the general counsel will break the tie. Along with Senator McCONNELL, I and others did our best to defeat that bill because it would have de facto made the general counsel of the FEC the sole decisionmaker for that body.

I am happy to report that those days seem to have passed. We now have an FEC where the vast majority of the votes are unanimous, where partisanship seems to have taken a back seat to an attempt to get things right and act on the merits rather than the partisan challenge.

Four of the members of the FEC are recess appointees who must be confirmed. The President has sent forward four names—two Republicans and two Democrats. In the standard tradition, practice, procedure, and precedent of the FEC, the Democratic leadership in the Congress got to pick the two Democrats. The Republican leadership got to pick the two Republicans. Always before we have moved these nominations forward en bloc, maintaining the balance between Republicans and Democrats, with Republicans approving the Democratic nominations, and Democrats approving the Republican nominations.

In our committee, the Rules Committee on which I have the honor to sit, we sent all four of the names en bloc to the Senate. There was great controversy about one of them, which I will address, but in the spirit of the past history of the committee, instead

of singling out this one individual to come to the Senate without recommendation, we said we will treat all four of them alike, and all four names came to the Senate without recommendation so that the Senate could work its will.

Now because of the controversy surrounding one of the Republican nominees, it becomes clear we will not have a vote on any of the four, producing the deadlock I described at the opening of my remarks. We will have only two functioning FEC commissioners beginning next year, and the FEC will not be able to rule on any of the controversies that may arise in the 2008 election. Furthermore, the FEC will not be able to distribute any Presidential matching funds in the 2008 election. This comes as bad news to some of our colleagues in the Senate, because many of them were dependent upon and expecting the matching funds to come out of the Presidential campaign fund. They will not get them, because these nominees will not be approved. Who is the one who is causing all of this problem? His name is Hans von Spakovsky. He has been attacked by outside groups on the grounds that he is somehow insensitive to minority voters.

I wish to spend a moment examining that particular attack. It all comes back to a position Mr. von Spakovsky took when he was at the Civil Rights Division of the Justice Department and recommended the pre-clearance of a voter ID law. There were those who were career attorneys in the Civil Rights Division who said a voter ID law is terrible and should not go forward. But Mr. von Spakovsky disagreed with them. Then, acting on Mr. von Spakovsky's recommendation, the management of the Justice Department said: No, we are going to go forward.

According to those who have attacked Mr. von Spakovsky, he was overruled by a court. The court did issue an injunction, saying that the voter ID law could not be enforced, thus leaving the impression that von Spakovsky is an ideologue, while the career attorneys were simply doing their job and the court stepped in to protect the country from this ideologue. In fact, the injunction had to do simply with the timing of the implementation of the law and was not a determination on the merits of the case, with the court saying it didn't want the law enforced right now but wanted to wait until the matter could be fully considered.

After the case was heard, a Federal judge, one appointed by President Carter, although that probably shouldn't make any difference, and the one who had initially issued the injunction, upheld the constitutionality of the Georgia voter ID law and, in that fashion, ratified the position Mr. von Spakovsky had taken all along. Mr. von Spakovsky's position was consistent with the ruling of the Federal court that said the career attorneys

who argued with him were wrong. He was on the right side of the law; they were on the wrong side of the law. Yet he is being attacked as somehow being the ideologue who must be kept off the FEC lest the FEC be turned into some kind of partisan hotbed of difficulty and dissension.

The fact is, Mr. von Spakovsky has served on the FEC as a recess appointee for 2 years. We need not project what he would do if he were confirmed. We can look at what he has done in that 2-year period. To that point, I repeat that the vast majority of the cases that have been dealt with since he has been on the FEC have been unanimous. He has not been a lone voice seeking to destroy the FEC or turn it into some kind of partisan hotbed. He has acted completely in the mainstream, in the opinion of the other members of the FEC.

Let me quote from one of the Democratic members of the FEC, repeating again these people are appointed for their partisan positions. This is not a circuit court where you want to find someone who is above partisanship. This is where the law specifically says there will be three Republicans and three Democrats.

This is what Mr. Walther, a Democratic member of the FEC, had to say at the December 14 FEC meeting. This is from a very recent article. He said Mr. von Spakovsky was "a terrific person to work with" as a colleague, a "fine commissioner." The article continues: "He (Walther) spoke after Mr. von Spakovsky made a traditional nominating speech, praising Mr. Walther's qualifications to be vice chairman. Mr. Walther's comments echoed a speech during the FEC meeting by Mr. Lenhard to close his year-long chairmanship by praising bipartisan cooperation on the commission and recounting the FEC's accomplishments in resolving enforcement cases."

One of the things we hear around here during confirmation battles is, the President ought to make more mainstream nominations. Not for this one; this one, by law, is supposed to be partisan. But here is a man who has had 2 years of experience, 2 years of service, being praised for his activities, clearly in the mainstream, being attacked for a position he held before he came to the FEC where polls have been done and found that 81 percent of Americans, with only 7 percent dissenting, agree with Mr. von Spakovsky's position that we ought to have voter ID.

We have photo ID requirements in order to keep cigarettes out of the hands of teenagers. We have photo ID requirements in order to keep terrorists off airplanes. I have had the experience in my home State of Utah, where I like to think I am fairly well known, of being asked for a photo ID when I have presented a credit card, in an effort to avoid identity theft.

Isn't preventing voter fraud as important as keeping tobacco out of the

hands of teenagers or preventing identity theft? Eighty-one percent of Americans agree with von Spakovsky's position on this matter. Yet he is being attacked as being outside the mainstream for what his critics call a partisan position.

Because of the holds that have been placed on Commissioner von Spakovsky's nomination, we now come to this impasse where the FEC will be left with only two Commissioners, unable to rule on any potential violation that may occur in the 2008 election—a Presidential year, along with all of the Senate races that are up, and every Member of the House of Representatives. The FEC will not be able to rule on any violations because they will have only two Commissioners—all because of an ideological bent pushed by groups outside of the Congress saying that this one man, because he agrees with 81 percent of the American people, is somehow disqualified for being too partisan.

The principle has always been that the Republicans pick the Republican nominees for the FEC and the Democrats pick the Democratic nominees for the FEC—a principle that makes sense. I do not know very much about the Democratic nominees for these positions who will not be confirmed, and, frankly, I do not care because they are not mine to select. They have been picked by the Democratic leadership to represent the Democratic position, and I am willing to vote for them on that basis.

Mr. von Spakovsky has a 2-year history of acting intelligently, with great integrity, and great collegiality in this position, and it is a tragedy that the whole Commission will be denied the opportunity to function in a Presidential year; that those Presidential candidates who are depending on Presidential matching funds will not get them because outside groups have demonized this one public servant. It is a sad day that this kind of thing is happening with respect to our governmental appointments.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I see the distinguished Senator from West Virginia. I certainly do not want to preempt him if he wants to go next. Does the Senator have a preference? If not, I will go ahead, if that is OK.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

IN MEMORY OF THOMAS B. MURPHY

Mr. ISAKSON. Mr. President, I rise on a sad occasion for me personally and for my State, but also in some sense a proud time for me to be able to acknowledge the life and times of Thomas B. Murphy.

Last night, at 10 o'clock, in Bremen, GA, in Haralson County, Thomas B. Murphy died from the complications of

a stroke that for the last 4 years kept him, at best, semiconscious and in a very difficult state.

But in those previous 79 years of life, he is probably the most remarkable political figure in the history of the State of Georgia. Elected speaker of the house in 1974, he maintained that position until 2002—for 28 years—longer than any speaker of any legislature in the history of the United States of America.

He was the son of a primitive Baptist preacher by weekend and a railroad telegraph man by day. He was a product of the Depression. And he was Irish. He was tough as nails but had a heart of gold. He was a Democrat through and through, and proudly stated his absolute distaste for any Republican.

For 8 years of my 17 years in the Georgia Legislature, I was the Republican leader of the Georgia House. To give you an idea of what a minority is really like, I was 1 of 19 Republicans, and there were 161 Democrats. I understood what being a minority leader was all about.

Tom Murphy was a powerful, forceful leader. But from the day I met him, when I was first elected in 1976, to the last day I held his hand, this past April, by his bed in Bremen, GA, he was always fair, he was always good, and he did what was best for the State.

Tom Murphy did not play golf. He did not play tennis. He raised tomatoes in his garden. His house is a modest brick ranch in Bremen, GA. His trade as a country lawyer was exceeded only by his skill as a politician. He never cared for money. He never cared for fame. He never cared for attention. His favorite day of the year was March 17, St. Patrick's Day, for which he would summarize adjourn the Georgia Legislature so he and his entourage could go to Savannah, GA, and be a part of the second largest St. Patrick's Day parade in America, in Savannah, on St. Patrick's Day.

His second favorite thing was to hold his grandchildren in his lap as he sat on the throne of the speaker of the house of representatives, and let them watch over his presiding of the Georgia House.

But this common, tough, fine man did so much for our State it is almost difficult to describe. We would not have a Metropolitan Atlanta Rapid Transit Authority were it not for Tom Murphy. He delivered the rural vote for the urban city of Atlanta in 1974 to get mass transit and to raise the taxes to do it. If you ever watched the Super Bowl in the Georgia Dome, the Georgia Dome would have never been built were it not for Tom Murphy.

As to the Georgia World Congress Center, there is not a Member of this Senate who has not been there because almost every convention in America goes through there once every couple years. It would never have been built were it not for Tom Murphy. Our rural roads and highways, the Governor's Road Improvement Program, would

never have happened were it not for Tom Murphy.

But of all the great legacies and edifices that will be named after him, and have been named after him, his legacy will live on not through buildings and institutions but through people because Tom Murphy cared the most about people. And he cared the most about people who were poor and people who were disadvantaged.

Tom Murphy's legacy is the children who were born in poverty who came out of poverty and became successful because of the programs he put in place as speaker of the house. Tom Murphy's legacy will live on because of those who know, as a foster child or as a child in trouble, it was Tom Murphy who was there to give a hand up, not a handout.

Tom Murphy will be honored this Friday in the State capitol, where he will lie in state, and where his funeral will take place—a State capitol where for 28 years, through five Governors, he ruled the State of Georgia—not in the sense of a ruler or a tyrant but in the sense of a proud man whose time and destiny came together in the great State of Georgia. I will mourn his loss for all I learned from him.

I end my remarks by telling you about that day I sat by his bed this past April and held his hand. He could not communicate, but I knew he was awake. I said: Mr. Speaker, I am now in the U.S. Senate. And I just wanted to tell you I am a better man, and I probably got there because of the painful and wise lessons I learned from you.

A tear came in his eye, and he squeezed my hand. I knew, as we communicated first in 1976, we communicated once again. And from the day I knew him in 1976, to the last day I knew him this year, I respected him, I honored him, and I loved him.

Georgia appreciates the service Tom Murphy gave to all her people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

LIHEAP

Mr. SANDERS. Mr. President, let me begin by thanking my good friend, the distinguished chairman of the Appropriations Committee, for yielding.

The reason I rise is to deal with a very important issue that impacts millions of our fellow Americans, and that is all over this country, with the price of home heating oil soaring, people are wondering about how they are going to stay warm this winter. My very fervent hope is that the Congress, both the Senate and the House, will address this issue before we adjourn for the Christmas holidays.

I commend Majority Leader REID, Minority Leader MCCONNELL, the chairman of the Appropriations Committee, Senator BYRD, Chairman HARKIN, and others for, in fact, adding a significant sum of money—over \$400