

SENATE RESOLUTION 124—RECOGNIZING THE THREATS TO PRESS FREEDOM AND EXPRESSION AROUND THE WORLD AND REAFFIRMING PRESS FREEDOM AS A PRIORITY IN THE EFFORTS OF THE UNITED STATES TO PROMOTE DEMOCRACY AND GOOD GOVERNANCE, ON THE OCCASION OF WORLD PRESS FREEDOM DAY ON MAY 3, 2009

Mr. FEINGOLD (for himself, Mr. KAUFMAN, Mr. LUGAR, Mr. LEAHY, Mr. DURBIN, Mr. KERRY, Mr. CASEY, Mr. LIEBERMAN, Mr. ISAKSON, Mr. CARDIN, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 124

Whereas, in 1993, the United Nations General Assembly proclaimed May 3 of each year as “World Press Freedom Day” to celebrate the fundamental principles of press freedom, to evaluate the state of press freedom around the world, to defend the media from attacks on the independence of the media, and to pay tribute to journalists who have lost their lives in the line of duty;

Whereas, according to the International Federation of Journalists, at least 109 journalists and other media workers were killed in 2008 while on assignment;

Whereas, according to the Committee to Protect Journalists, nearly 3 out of 4 journalists killed in the line of duty are murdered, and the killers go unpunished in nearly 9 of 10 cases;

Whereas, according to estimates by Reporters Without Borders, in 2008, 673 journalists were arrested, 929 journalists were physically attacked or threatened, and 29 journalists were kidnapped;

Whereas Freedom House reported that press freedom has been declining during recent years in both authoritarian countries and established democracies;

Whereas, reflecting the rise in influence of Internet reporting, an increasing number of online editors, bloggers, and web-based reporters are being imprisoned and their websites closed; and

Whereas press freedom is a key component of democratic governance and socio-economic development and enhances public accountability, transparency and participation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the threats to press freedom and expression around the world, on the occasion of World Press Freedom Day on May 3, 2009;

(2) commends journalists around the world for the essential role they play in promoting government accountability and strengthening civil society, despite numerous threats;

(3) pays tribute to the journalists who have lost their lives in the line of duty;

(4) condemns all actions around the world that suppress press freedom;

(5) reaffirms the centrality of press freedom to efforts by the United States to support democracy, mitigate conflict, and promote good governance around the world; and

(6) calls on the President and the Secretary of State to develop means by which the United States Government can more rapidly identify, publicize, and respond to threats against press freedom around the world.

SENATE CONCURRENT RESOLUTION 22—SUPPORTING THE GOALS AND IDEALS OF NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH 2009

Mr. CASEY (for himself and Mr. BROWNBACK) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 22

Whereas on average, a person is sexually assaulted in the United States every 2½ minutes;

Whereas the Department of Justice reports that 191,670 people in the United States were sexually assaulted in 2005;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,688 reports of sexual assault involving members of the Armed Forces in fiscal year 2007;

Whereas children and young adults are most at risk for sexual assault, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attacks to law enforcement agencies;

Whereas ¾ of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas prevention education programs carried out by rape crisis and women’s health centers have the potential to reduce the prevalence of sexual assault in their communities;

Whereas because of recent advances in DNA technology, law enforcement agencies now have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault; and

Whereas April 2009 is recognized as “National Sexual Assault Awareness and Prevention Month”: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its sur-

vivors, and increasing the number of successful prosecutions of its perpetrators; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) Congress strongly recommends that national and community organizations, businesses in the private sector, colleges and universities, and the media promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) Congress supports the goals and ideals of National Sexual Assault Awareness and Prevention Month 2009.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1014. Mr. DURBIN (for himself, Mr. DODD, Mr. REID, Mr. SCHUMER, Mr. WHITEHOUSE, and Mr. HARKIN) proposed an amendment to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability.

SA 1015. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1016. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra.

SA 1017. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra.

SA 1018. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 896, supra.

SA 1019. Mr. CORKER submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra.

SA 1020. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1021. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1022. Mr. CASEY submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1023. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

SA 1024. Mr. KERRY (for himself, Mrs. BOXER, Mrs. GILLIBRAND, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 1018 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 896, supra; which was ordered to lie on the table.

SA 1025. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1026. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1027. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 896, supra; which was ordered to lie on the table.

SA 1028. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 896, supra; which was ordered to lie on the table.

SA 1029. Mr. SCHUMER submitted an amendment intended to be proposed by him to the resolution S. Res. 93, a bill supporting the mission and goals of 2009 National Crime Victim's Rights Week, to increase public awareness of the rights, needs, and concerns of victims and survivors of crime in the United States, and to commemorate the 25th anniversary of the enactment of the Victims of Crime Act of 1984.

TEXT OF AMENDMENTS

SA 1014. Mr. DURBIN (for himself, Mr. DODD, Mr. REID, Mr. SCHUMER, Mr. WHITEHOUSE, and Mr. HARKIN) proposed an amendment to the bill S. 896, to prevent mortgage foreclosures and enhance mortgage credit availability; as follows:

At the end of the bill, add the following:

TITLE V—PREVENTION OF MORTGAGE FORECLOSURES

Subtitle A—Modification of Residential Mortgages

SEC. 501. DEFINITIONS.

Section 101 of title 11, United States Code, is amended by inserting after paragraph (43) the following:

“(43A)(A) The term ‘qualified loan modification offer’ means a loan modification agreement that is consistent with the terms described in subparagraph (B) and that is offered—

“(i) in accordance with the guidelines of the Homeowner Affordability and Stability Plan, to a debtor who qualifies for such plan;

“(ii) in accordance with the qualified loan guidelines described in subparagraph (C)(i) for loans insured or guaranteed by the Federal Housing Administration of the Department of Housing and Urban Development, the Department of Veterans Affairs, or the Department of Agriculture, to a debtor for whom a loan is insured or guaranteed under programs of such Government entities; or

“(iii) in accordance with qualified loan guidelines described in subparagraph (C)(ii) to a debtor who does not qualify for the Homeowner Affordability and Stability Plan, for a loan for which the servicer is not a participant in such plan, and for whom a loan is not insured or guaranteed under programs of the Government entities described in subparagraph (A)(ii).

“(B) For purposes of this paragraph, a ‘qualified loan modification offer’—

“(i) requires no fees or charges to be paid by the debtor in order to obtain such modification;

“(ii) permits the debtor to continue to make payments under the modification agreement, notwithstanding the filing of a case under this title, as if such case had not been filed;

“(iii) is offered in good faith to the debtor in writing, not later than 45 days after the date on which the debtor provided to the servicer of such loan, in good faith, all required information, as defined in subparagraph (G), in order to be considered for a qualified loan modification offer or a qualified loan refinancing offer;

“(iv) is presented to the debtor as a firm written offer in a form that can be accepted by the debtor by signing the offer and returning it to the servicer of such loan;

“(v) is offered with respect to a loan for which no foreclosure sale is scheduled, or shall be scheduled, during the time the request for modification is being considered or

is scheduled during the 30-day period beginning on the expiration of the time period specified in clause (iii); and

“(vi) is not revoked by the servicer of such loan for reasons within the control of the debtor before the confirmation of the plan filed under section 1321 or the modification of a plan under section 1323 or 1329.

“(C) For purposes of this paragraph, the term ‘qualified loan guidelines’ describes a loan modification agreement that—

“(i) in the case of a loan that is insured or guaranteed by the Federal Housing Administration, the Department of Veterans Affairs, or the Department of Agriculture and that is secured by the senior security interest in the principal residence of the debtor, modifies the debtor's monthly housing payment for at least a period of 5 years—

“(I) to 31 percent or less of the debtor's monthly gross income at the time of the modification, without any period of negative amortization; or

“(II) before expiration of the 90-day period beginning on the effective date of this paragraph, to the lowest percentage of the debtor's monthly gross income allowed under the applicable program guidelines in effect before the effective date of this paragraph, without any period of negative amortization, if such lowest percentage is greater than 31 percent of the debtor's monthly gross income at the time of the modification, without any period of negative amortization;

“(ii) in the case of a loan for a debtor who does not qualify for the Homeowner Affordability and Stability Plan, or of a loan for which the servicer is not a participant in such plan and for whom a loan is not insured or guaranteed under programs of the Government entities described in subparagraph (A)(ii)—

“(I) modifies the debtor's monthly housing payment for at least a period of 5 years to 31 percent or less of the debtor's monthly gross income at the time of the modification, without any period of negative amortization; and

“(II) provides that, after the initial period of 5 years, the interest rate on the modified loan may increase by not more than 1 percentage point per year until the interest rate reaches (but does not exceed) the prevailing market interest rate on the date on which the modification is finalized, as published by the Federal Home Loan Mortgage Corporation, at which time such maximum interest rate shall be fixed for the remaining loan term.

“(D) For purposes of this paragraph—

“(i) the term ‘debtor's monthly gross income’ means the total income amount before any payroll deductions, and includes wages and salaries, overtime pay, commissions, fees, tips, bonuses, housing allowances, other compensation for personal services, Social Security payments, including Social Security received by adults on behalf of minors or by minors intended for their own support, and monthly income from annuities, insurance policies, retirement funds, pensions, disability or death benefits, unemployment benefits, rental income, and other income. For income from the operation of a business, profession, or farm, monthly gross income shall be the sum of the debtor's gross receipts exclusive of ordinary and necessary business expenses; and

“(ii) the term ‘debtor's monthly housing payment’ includes fixed principal and interest, and payments for real estate taxes, hazard insurance, mortgage insurance premium, homeowners' association dues, ground rent, special assessments, and all other amounts collected by the servicer as part of that payment.

“(E) The term ‘Homeowner Affordability and Stability Plan’ means the loan modifica-

tion plan announced and implemented by the Secretary of the Treasury on March 4, 2009, and any successor thereto.

“(F) For purposes of this paragraph, the term ‘servicer’ means the person responsible for any of master servicing, servicing, or subservicing of a debt secured by the debtor's principal residence (including the person who makes or holds a loan if such person also master services, services, or subservices the loan).

“(G) For purposes of this paragraph, the term ‘required information’ means all information required to be provided to the servicer under the Homeowner Affordability and Stability Plan, or according to a similar standardized list, as issued by the Secretary of the Treasury or the Secretary of the Department of Housing and Urban Development, to allow the servicer to determine the debtor's eligibility for a qualified loan modification offer or a qualified loan refinancing offer made by the holder of the loan. If the servicer fails to notify the debtor within 30 days of the date of submission of information by the debtor that the information is incomplete and specify what further information must be submitted, it shall be conclusively presumed that the information submitted by the debtor satisfies such requirement. For purposes of this subparagraph, required information provided to the servicer by the debtor shall be deemed accurate and complete as of the time it was delivered to the servicer. Material differences not based on a change in the debtor's circumstances between the required information provided under the Homeowner Affordability and Stability Plan or a similar standardized list, as issued by the Secretary of the Treasury or the Secretary of the Department of Housing and Urban Development, and information provided by the debtor in the schedules required under section 521(a), shall give rise to a rebuttable presumption that the debtor is not eligible for a modification under section 1322(b)(11), if such material differences in the required information render the debtor ineligible for a qualified loan modification offer or a qualified loan refinancing offer. The debtor may rebut the presumption by showing that the debtor offered the required information in good faith.

“(43B) The term ‘qualified loan refinancing offer’ means a loan offered in accordance with the HOPE for Homeowners program, as authorized by section 257 of the National Housing Act (12 U.S.C. 1715z–23) that—

“(A) refinances a loan secured by the senior security interest in the principal residence of the debtor, and which is eligible to be refinanced under the HOPE for Homeowners program;

“(B) permits the debtor to continue to make payments under the loan, notwithstanding the filing of a case under this title, as if such case had not been filed; and

“(C) with respect to which the debtor has received a written notice that the debtor's application for such loan was approved by a person or entity authorized by the Secretary of the Department of Housing and Urban Development to serve as a mortgagee, and such loan approval was not revoked by such person or entity before the date of the confirmation of the plan filed under section 1321 or the modification of a plan under section 1323 or 1329.”.

SEC. 502. ELIGIBILITY FOR RELIEF.

Section 109 of title 11, United States Code, is amended—

(1) in subsection (e)—

(A) by inserting “(1)” after “(e)”; and

(B) by adding at the end the following:

“(2) For purposes of this subsection, the computation of debts shall not include the secured or unsecured portions of—