The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. McGovern).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
May 11, 2009.

I hereby appoint the Honorable James P. McGovern to act as Speaker pro tempore on this day.

Nancy Pelosi,
Speaker of the House of Representatives.

PRAYER

Rev. Eugene Hemrick, Washington Theological Union, Washington, D.C., offered the following prayer:

An esteemed saint once said, “The glory of God is a human being fully alive.”

May the work of Congress be alive with debate, minus life-threatening strife; by a desire for spirited unity rather than life-threatening divisions that deflate the human spirit; by undying service to others rather than succumbing to destructive self-service; by reaching out to the disadvantaged rather than seeking personal self-advantage.

O Lord, may the work of Congress generate awesome kindness and sacrifice that inspires Americans and their neighbors, reflecting God’s moving love at its best.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day’s proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 2 o’clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 12, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker’s table and referred as follows:

1685. A letter from the Assistant General Counsel for Regulations, Office of General Counsel, Department of Education, transmitting the Department’s final rule — Readiness and Emergency Management for Schools — received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.


1695. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-55, “Practice of Occupational Therapy Amendment Act of 2009”, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.


1698. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-56, “Practice of

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
1724. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessel and Longline Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 07110697-8011-02] (RIN: 0648-XN80) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1725. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2009 Scup and Black Sea Bass Specifications; Correction [Docket No.: 00031306-5393-01] (RIN: 0648-XN88) received April 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1726. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Groundfish Fishery; 2009-2010 Biennial Specifications; Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fishery Management Plans; 2009-2010 Biennial Specifications; Fishery Management Plans [Docket No.: 0800251268-01485-02] (RIN: 0648-XM36) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.


1728. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessel and Longline Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 07110697-8011-02] (RIN: 0648-XN80) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1729. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessel and Longline Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 07110697-8011-02] (RIN: 0648-XM30) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1730. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessel and Longline Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 07110697-8011-02] (RIN: 0648-XM30) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1731. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessel and Longline Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 07110697-8011-02] (RIN: 0648-XM30) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1732. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Adjustments and Management Plan Transfers [Docket No.: 080415281-0369-02] (RIN: 0648-XN33) received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1733. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Adjustments and Management Plan Transfers [Docket No.: 080415281-0369-02] (RIN: 0648-XN33) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1734. A letter from the Acting Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Delmarva Scallop Access Area to General Category Scallop Vessels [Docket No.: 070817467-8554-02] (RIN: 0648-AW61) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1735. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Delmarva Scallop Access Area to General Category Scallop Vessels [Docket No.: 070817467-8554-02] (RIN: 0648-AW61) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1736. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessel and Longline Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 07110697-8011-02] (RIN: 0648-AW61) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1737. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessel and Longline Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 07110697-8011-02] (RIN: 0648-AW61) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1738. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessel and Longline Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 07110697-8011-02] (RIN: 0648-AW61) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1739. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessel and Longline Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 07110697-8011-02] (RIN: 0648-AW61) received March 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, Mr. MICHAUD introduced a bill (H.R. 2342) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish a family caregiver program to furnish support services to family members certified as family caregivers who provide personal care services for certain disabled veterans, and for other purposes; which was referred to the Committee on Veterans’ Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. GRAYSON.
H.R. 450: Mrs. MYRICK.
H.R. 621: Mr. LINDER, Mr. JORDAN of Ohio, Mr. DELAHUNT, and Mr. WESTMORELAND.
H.R. 622: Mr. HODES, Mr. CASSIDY, and Mr. ROGERS of Kentucky.
H.R. 658: Mr. HODES.
H.R. 868: Mrs. NAPOLITANO.
H.R. 914: Ms. SCHWARTZ and Mr. CHENSHAW.
H.R. 927: Mr. ROGERS of Kentucky.
H.R. 1050: Mr. MORA of Kansas.
H.R. 1207: Mr. FLAKE, Mr. HASTINGS of Washington, Mr. LANCE, Mr. GERLACH, Mr. HARPER, and Mr. HARE.
H.R. 1210: Mr. CARNANAN and Mr. ELLSWORTH.
H.R. 1238: Mr. ROGERS of Michigan.
H.R. 1452: Mr. CARNANAN.
H.R. 1470: Mr. CALVET.
H.R. 1548: Mr. WALDIN.
H.R. 1552: Mr. ALTMIRE, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. TITUS, and Mr. PAULSEN.
H.R. 1716: Mr. ELLSWORTH.
H.R. 1721: Mr. CARSON of Indiana.
H.R. 1727: Mr. CALVET.
H.R. 1799: Mr. SCHOCK and Mr. MINNICK.
H.R. 1862: Mr. FRANKS of Arizona.
H.R. 1826: Mr. MASSA.
H.R. 1844: Mr. GOODLATTE, Mr. RAHALL, and Mr. LOBIONDO.
H.R. 1934: Mr. CONNOLLY of Virginia, Mr. BLUNT, Mr. RYAN of Wisconsin, Mr. LARSEN of Washington, and Ms. BERKLEY.
H.R. 2017: Mr. OBERSTAR, Mr. TEAGUE, Mr. WALZ, and Mrs. MYRICK.
H.R. 2035: Mr. CASSIDY.
H.R. 2150: Mr. CARNANAN.
H.R. 2156: Mr. HINCEHY, Mr. KAGEN, Mr. MURPHY of Connecticut, Ms. LORETTA SANCHEZ of California, and Ms. WASSERMAN SCHULTZ.
H.R. 2187: Mr. CURRIER.
H.R. 2251: Mr. HIGGINS, Ms. JACKSON-LEE of Texas, and Mr. KIND.

ADDITIONAL SPONSORS

H.R. 2298: Mr. SMITH of Texas, Mr. CANTOR, Mr. GENE GREEN of Texas, Mr. FRANKS of Arizona, and Mr. MILLER of Florida.
H.J. Res. 11: Mr. BILBRAY.
H. Con. Res. 105: Mr. PUTNAM, Mr. GORDON of Tennessee, Mr. BOOZMAN, and Mr. REICHERT.
H. Con. Res. 108: Mr. KIRK and Ms. DELLAURO.
H. Con. Res. 120: Mr. KAGEN.
H. Res. 370: Mr. GRAYSON.
H. Res. 376: Mr. CAO and Mr. GUTHRIE.
H. Res. 397: Mr. PORK of Texas and Mr. STEARNS.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows;

The amendment to be offered by Representative GEORGE MILLER of California or a designee to H.R. 2187, the 21st Century Green High-Performing Public School Facilities Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.
The Senate met at 2 p.m. and was called to order by the Honorable Mark R. Warner, a Senator from the Commonwealth of Virginia.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, without You, we are but disappearing dust. Draw near to our Senators, for in Your presence, they find their dignity and destiny. Breathe into them an awareness of Your presence and the saving knowledge that they belong to You. May this awareness inspire them to walk the days of their years in service to You and humanity. Lord, help them to remember that You are changeless, nor is there any variability in Your judgment and mercy. Remind them also that they can depend on You for the vindication of every just cause and the forgiveness of every confessed sin. May they trust You to give them strength to work today, free of fretting and frustration.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Mark R. Warner led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. Senate, President pro tempore, Washington, DC, May 11, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Mark R. Warner, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

Mr. Warner thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

EXTENSION OF MORNING BUSINESS

Mr. Reid. Mr. President, I ask unanimous consent that we extend morning business until 3:30 rather than 3 o’clock.

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

SCHEDULE

Mr. Reid. After leader remarks, if there are any, we will be in a period of morning business until 3:30. Following morning business, the Senate will proceed to the consideration of the credit card legislation. Under a previous order, Senators Dodd and Shelby will be recognized. Senator Dodd will offer the Dodd-Shelby substitute amendment. There will be no rolloff votes today.

While we are talking about the schedule, I haven’t had the opportunity yet to speak to the Republican leader, but I will as soon as we can work out a time to visit today. It appears that we have no alternative but to have votes next Monday. We have a number of nominations. I have tried lots of different ways to get them done. But it appears the only thing we can do is file cloture. There are three we have to do.

There is legislation that we need to complete because of what is happening in the financial world that deals with the Federal Deposit Insurance Corporation and calls for setting up a bipartisan 9/11-type commission to take a look at what has happened, what caused the financial breakdown. It is offered by Senators Conrad and Isakson. We need to finish that legislation before we go. That would just be a message from the House, which is amendable, but it would only require one cloture vote.

So, anyway, I just wanted to alert everyone that unless we work something out in the next little bit, we will have to have votes on Monday. It was originally announced to be a no-vote day.
HAPPY BIRTHDAY JIM JEFFORDS

Mr. REID. Mr. President, a former colleague of ours celebrates a milestone today. Jim Jeffords, who served his country in the military for many decades and the people of Vermont and Congress for 32 years—and he did so on both sides of the aisle, over there and over here—was born 75 years ago today. Jim Jeffords, of course, was a lifelong Vermonter. His father was the chief justice of the Vermont Supreme Court, and Jim Jeffords graduated from Vermont public schools, Yale University, and Harvard school. He was a very smart man, as is indicated with his academic background.

He served for 35 years in the U.S. Navy and Naval Reserve until he retired as captain while still sitting as a Senator. During Jim Jeffords’ time in the Senate, he did much to ensure children could get a good education, that they could get a job when they graduated from school. He cared deeply for the environment and for people with disabilities. He served during his last years in the Senate as chairman of the Environment and Public Works Committee. He was one of the leaders who pushed the United States to lead a humanitarian mission to Rwanda during the country’s terrible genocide. Of course, Senator Jeffords also single-handedly shifted the balance of power in this body when, in 2001, he became an Independent and caucused with Democrats. It was a very courageous thing for Jim to do.

As we have read in the history books, it wasn’t easy for him to do this. It cost him friends, supporters, even some of his own staff. When he announced his decision, Senator Jeffords said:

The weight that has been lifted from my shoulders now hangs heavy on my heart.

He knew the impact his decision would have on the people around him, and he cared deeply about that. At the time that he did this, it was a very popular thing with the American people to do. When Senator Jeffords was here in Washington and other places in the country, they would recognize him; people would stand and applaud.

Jim has been very ill since he retired from the Senate. He is in extremely bad health. We wish him well. Senator Jeffords’ family threw him a small birthday party this past weekend. His son Leon, his daughter Laura, his grandson Patrick, and his granddaughter Hazel were all there.

I don’t have nearly the voice in any way that Senator Jeffords had. For many years he was a member of our very popular barbershop quartet, the Singing Senators. So I will not break out in song, but on behalf of the entire Senate, we wish our friend Jim Jeffords a very happy 75th birthday.

CREDIT CARD REFORM

Mr. REID. Mr. President, when I was just a boy—as I look back, I really don’t know how old I was, probably 10, maybe 11—one of my older brothers, 10 years older—a wonderful man; he died at age 47; he was a young man, not long out of high school—worked for the Standard station in Ash Fork, AZ, which was quite a ways from Searchlight. I had never really been anywhere. My brother, being the great big brother he was, wanted me to see someplace other than Searchlight. So I went and spent a couple weeks with him in Ash Fork, AZ. For me, it was a real eye-opening thing. I had never really traveled anywhere there.

The one thing he didn’t bother to tell me is that he had a girlfriend, and so he spent a lot of time when he was not working with his girlfriend. He still kept an eye on me and took good care of me, but I spent most of my time with his girlfriend’s brother. His girlfriend’s brother was older than I was. We would play games. There wasn’t much he could do better than me. But I rarely won anything because he was in the middle of the game. I have always remembered that. It is hard to win a game when the rules keep changing.

The reason I mention that little personal vignette is, what do you do when the rules in the middle of the game change? There is a woman in Nevada named Shelley. Like millions of Americans, she pays her credit card bill in full every month. She has never been late. Whatever is the minimum payment, she at least makes that payment and sometimes more. She is the model of what credit card companies call “in good standing.”

But Shelley recently was told that the interest rate on her card was going up from 9.5 percent to 17.5 percent; her rate was almost doubling. For reasons unknown to her, she could not understand this. So Shelley asked to close the account. But the bank told her the time to opt out of her contract had ended before she even knew it had started.

She played by the rules, Shelley did. But the rules changed in the middle of the game.

If we are truly to get our economy back on its feet, we must protect people like Shelley and the millions of Americans who use credit cards for everything from buying a sandwich to paying for college. Chairman Dodd and ranking member Shelby have drafted a bill to provide fairness and common sense back into credit cards and protects consumers from excessive fees, ever-changing interest rates, and complex contracts seemingly designed to do one thing above all—to keep people in the dark and in debt.

In short, this bill will be taking up this afternoon at 3:30 cleans up the fine print so consumers can’t get blindsided by the credit card companies. More and more Americans sign for and use credit cards every day. Three out of five credit card users carry a balance on their card. There is nothing wrong with that. That balance averages more than $7,000. That is what the average is. But they are using credit cards that have misleading terms and confusing conditions.

A recent study by the Pew Trust Foundation found that 93 percent of consumers came with credit card companies that the Federal Reserve has determined cause harm to consumers—not 50 percent, not 60 percent, not 75 percent, 100 percent. And 93 percent of those contracts said the credit card companies could raise the interest rate anytime for any reason. Here are just a few of the things the legislation that will soon be before the Senate does to fix that.

First, it protects consumers by establishing fair and sensible rules for how and when credit card companies can raise interest rates. Credit card companies must give a 45-day notice before increasing rates and can no longer do so on existing balances. It cracks down on abusive fees. For example, consumers no longer will have to pay a fee just to pay a bill. That happens. And credit card companies must mail statements 21 days before the bill is due so cardholders can avoid these hefty late fees.

Third, it protects young consumers such as college students from predatory marketers.

It strengthens oversight of the credit card industry to keep it in line. For every greedy executive and devious con artist, there are millions of honest, hardworking Americans who struggle every day to simply make ends meet. They worry every morning about how much longer their job will be there and every night about how to keep their families healthy and keep a roof over their heads. They worry about troubles they did not create; and even though they are stunned about these troubles they did not create, they cannot cure them.

Too many hardworking Americans have already lost too much in this recession. It is our job to protect them from losing even more.

This legislation will not only level the playing field and keep the rules consistent from beginning to end, it can also save families thousands of dollars a year.

Shelley, the woman I told the story about—the Nevada woman who told me her frustrations with her credit card company, wrote:

I feel like I am being robbed by a company that my tax dollars are trying to bail out.

Mr. President, I do not remember much from my trip to Ash Fork, AZ, other than my brother’s future brother-in-law kept changing the rules in the middle of the game. That is what the credit card companies are doing, and that is what we have to stop. We protect those who abuse the rules because it is not just their credit at stake, it is our country’s credibility. I think at this stage, it is the Senate’s credibility. The bill that passed the
Wishing Senator Jim Jeffords

Happy Birthday

Mr. ALEXANDER. Mr. President, I would like to join the majority leader in wishing happy birthday to Jim Jeffords. Jim is a friend of all of us. I see the Senator from Arizona in the Chamber. We all served together. I served with Senator Jeffords when I was Education Secretary and he was ranking member of the Education Committee. We all know his deep concern for education, especially for children with disabilities. We wish him the very best on his 75th birthday.

INVESTIGATING INTERROGATION TACTICS

Mr. ALEXANDER. Mr. President, even though President Obama has said we should look forward, some in Congress insist on looking backward to a broader investigation of interrogation tactics that were used against 9/11 terrorists to find out whether even more airplanes were on their way to kill even more Americans.

These interrogation tactics are now well known. They had been approved by the National Security Council, approved by the Department of Justice, were known to senior Democratic and Republican Members of Congress who, CIA records now show, were briefed some 40 times. The CIA has not used the tactics in question for several years. They are not being used today. The Congress has since enacted laws, they are not being used today. They are not being used today.

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The President is following his own advice about looking forward by asking the National Security Council to review what tactics would be appropriate when terrorists are captured who might have information about imminent attacks on Americans. The Senate Intelligence Committee is conducting its own review of tactics and is considering expanding the briefing process for interrogation tactics.

Despite these investigations, some still say, let’s have “a full-blown criminal” investigation.

That raises these questions: Investigation of whom? Where do we draw the line? Where is the logical place to stop?

On Thursday, I asked these questions of the Attorney General, Eric Holder, at a Senate Appropriations Committee hearing. He found it difficult to give me specific answers.

To begin with, the Attorney General did not answer my question about what directions he had received from the White House concerning interrogations.

Then, he would only answer “hypothetically” when I asked if we are going to investigate lawyers for giving their opinions, shouldn’t we also investigate intelligence agents who created the interrogation techniques and asked for the opinions, or officials who approved the techniques, or Members of Congress whether he approved or even encouraged the interrogation tactics?

The Attorney General could not remember whether he knew or approved of renditions that occurred during the Clinton administration when he was Deputy Attorney General—renditions that took captured terrorists to other countries, for example, perhaps to Egypt, for custody, maybe for interrogation. He did not say what precautions he or they made sure these renditions followed the law.

The Attorney General’s unresponsive answers and poor memory suggest what a difficult path it will be if the Government continues to publicize and expand its investigation of interrogation tactics.

This is not a pleasant subject. When we debated it in the Senate in 2005, I was among those Senators, including Senator McCain, who disagreed with the administration. We believed it was Congress’s constitutional responsibility to set the rules for dealing with detainees and we helped enact a law requiring that techniques used by the military should be limited to those in the Army Field Manual. But showing videotapes of even those techniques will not be a pretty sight.

Public officials, of course, should follow the law. But it is not necessary to have a circus to determine whether the law was followed. About the interrogations?

If there is to be a broader investigation than currently is underway, it must be fair and evenhanded and lead wherever it may lead—perhaps to intelligence officers, perhaps to administration officials, perhaps to Members of Congress. The Attorney General himself needs to be willing to say what he knew and when he knew it and what he did about renditions during the Clinton administration when he was Deputy Attorney General.

Obsessively looking in the rear view mirror could consume our Nation’s every waking moment. There is plenty about America’s history that, in retrospect, we wish had not happened: Supreme Court decisions barring Blacks from public facilities, Congress filibustering anti-lynching laws, excluding Jews from major institutions, denying women the right to vote, incarcerating Japanese Americans during World War II.

We have dealt with those instances best by acknowledging and correcting them, not wallowing in them by recognizing that the United States has always been a work in progress toward general goals, rarefying them, often falling back, but always trying. In fact, the late political scientist Samuel Huntington has written that most of our political debates are about dealing with the disappointment of not meeting great goals we have set for ourselves.

Then there is the thoroughly practical question of who will want to serve in public life in Washington, DC, if the first thing a newly elected administration does is to try to discredit, disbar, or indict all those who disagree in the last administration. Some of that damage already has been done.

For all these reasons, I would hope the President will follow his first instinct and insist that we go forward as a country—focus on the economy, on the banks and the auto companies, on health care and energy, on a Supreme Court Justice, and two wars in which our men and women are serving.

Mr. President, I ask unanimous consent to have printed in the RECORD the questions I asked Attorney General Holder on Thursday, along with his answers.

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

ALEXANDER-HOLDER EXCHANGE ON INVESTIGATION OF INTERROGATION TACTICS

HEARING OF THE APPROPRIATIONS SUBCOMMITTEE ON COMMERCE, JUSTICE, AND SCIENCE TRANSCRIPT, MAY 7, 2009

Senator Alexander: I have a few questions about the interrogation of enemy combatants. I thought President Obama’s first instinct was a good one when he said that we should look forward, but apparently not everyone agrees with that. I notice that a member of the House of Representatives yesterday said that she wanted a full, top-to-bottom, criminal investigation. These are my questions: 1) What direction or guidance has the White House concerning the interrogation of enemy combatants?

Attorney General Holder: Well, as we have indicated, for those people who were involved in the interrogation and relied upon, in good faith and adhered to the memoranda created by the Justice Department’s Office of Legal Counsel, it is our intention not to prosecute and not to investigate those people...we also indicated that we would follow the law and the facts and let that take us wherever it may. A good prosecutor can only say that, So, I think those are the general words in which we view this issue.

Senator Alexander: My second question would be: Should you follow these facts
and continue in an investigation if you’re investigating lawyers at the Department of Justice who wrote legal opinions authorizing certain interrogations, wouldn’t it also be appropriate to investigate the CIA employees or contractors or other people from intelligence agencies who asked or created the interrogation techniques or officials in the Bush Administration who approved them? What about members of Congress who were informed of them or knew about them or approved them or encouraged them? Wouldn’t they also be appropriate parts of such an investigation?

Attorney General Holder: Well, there is, as has been reported, an ongoing inquiry into the work of the attorneys who prepared those OLC memoranda. It is not in final form yet and I have not reviewed that report. Report and the determination as to what we want to do with it. It deals, I suspect, not only with the attorneys, but people that they interacted with, so I think we will gain some insights by reviewing that report. Our desire is not to do anything that would be perceived as political or partisan. We do want to report, to the extent we can, that, but as a matter of responsibility is to ensure the laws of this nation and to the extent that we see violations of those laws, we will take the appropriate action.

Senator Alexander: If you’re going to investigate the lawyers whose opinion was asked, is this legal or is it political?

I would assume you could also go to the people who created the techniques, the officials who approved them, and the members of Congress who knew about them and may have encouraged them.

Attorney General Holder: Hypothetically that might be true, I don’t know. What I want to do is get a very common sense to that from that report about what it says about the interaction of those lawyers with people in the administration and see from there whether further action is warranted.

Senator Alexander: My last question is, once we begin this process, where is the evidence drawn? According to former intelligence officials, renditions, and by renditions we mean moving captured people from our country to another country where they might be interrogated. Those renditions were used by the Clinton Administration beginning in the mid-1990s to investigate and disrupt al-Qaeda. That’s the testimony before Congress by Michael Shoyer. He said they were about seventy renditions carried about in the mid-1990s to investigate and disrupt al-Qaeda leaders. The Washington Post says the former director of the Central Intelligence Agency, George Tenet, said there were about seventy renditions carried about before January 1, 2001, most of them during the Clinton years. Mr. Attorney General, you were the Deputy Attorney General from 1997-2001. Did you know about these renditions? Did you ever talk to the Department of Justice about what OPR report says and get a better sense from that report about what it says about the interaction of those lawyers with people in the administration and see from there whether further action is warranted.

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source of terrorist threat to the United States.

(3) Each and every target of a rendition was vetted by a battery of lawyers at CIA and at least two, frequently by lawyers at the National Security Council and the Department of Justice. For each rendition target, I and then the chief of the bin Laden/al-Qaeda, had to prepare a written brief discussing the intelligence information that persuaded competent U.S. government legal authorizers that the rendition was legal. I can only say that that is tough, but war is a tough and confusing business, and a well-supported chance to take action and protect Americans.

Senior members of the two congressional committees approved by the Executive Branch, and they never will. But I will not the equivalent of court-room-quality evidence, and, if there were errors, they are my takes may well have been made during my seniority as the chief of the bin Laden/al-Qaeda operations, had to prepare and present a written brief citing and explaining the intelligence information that made a target of a rendition to the United States and/or its allies. If the brief persuaded the lawyers, the operation went on. If the brief was insufficient, the lawyers refused to approve the operation. Thus, the senior members of the two congressional committees never had direct orders of two U.S. presidents and with the full knowledge of the intelligence information committed, the Senate Committees on Foreign Relations.

Mr. Priest and the gentlemen just mentioned have behaved disgracefully, and ought to publicly apologize to the CIA's men and women who have executed the Rendition Program.

(4) To proceed, the Rendition Program has been the single most effective counterterrorism operation ever conducted by the United States government. Americans are safer today because of the program, but that sense of safety will ebb as the Senators just mentioned still have their lives to protect America under the direct orders of two U.S. presidents and with the full knowledge of the intelligence information committed, the Senate Committees on Foreign Relations.

In any event, I think these are two impressive programs that should be applauded. Just States, the Taxpayers' Alliance, the Department of Justice. For each rendition target, I, and my successors as the chief of the bin Laden/al-Qaeda operations, had to prepare a written brief discussing the intelligence information that persuaded competent U.S. government legal authorizers that the rendition was legal. I can only say that that is tough, but war is a tough and confusing business, and a well-supported chance to take action and protect Americans.

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Wall Street View of Obama's Tax Plan: More Onerous Than It Looks

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Myth: Plugging overseas corporate tax loopholes will dramatically improve the budget outlook as multinationals pay their "fair" share.

Reality: Dream on. The estimated $20 billion revenue gain over 10 years—money already included in Obama’s budget—represents only six-tenths of 1 percent of the decade’s $92 trillion as projected by the Congressional Budget Office. Worse, the CBO reckons that Obama’s endless deficits over the decade will total a gut-wrenching $9.3 trillion.

Whether Obama’s proposals would create any jobs in the United States is an open question. In highly technical ways, Obama would claim that the removal of preferences from U.S. multinationals by limiting the use of today’s deferral and foreign tax credit. Taxing overseas investment more heavily, the theory goes, would favor investment in the United States. But many experts believe his proposals would actually destroy U.S. jobs. Being more heavily taxed, American multinational firms would have more trouble competing with European and other foreign rivals. Some U.S. foreign operations might be sold to tax-advantaged foreign firms. Even so, supporting operations in the United States would suffer. “You lose some of those good management and professional jobs in places like Chicago and New York,” says Gary Hufbauer of the Peterson Institute.

Inclusive state taxes, America’s top corporate rate is 39 percent; among wealthy nations, only Japan’s is higher (slightly). However, the effective U.S. tax rate is reduced by preferences—mostly domestic—so that many foreign investors would lower compliance costs and involve fewer distortions. But this sort of proposal would have been harder to sell. Obama sacrificed substance for grandstanding.

[From the Arizona Republic]

THE CHRYSLER POWER GRAB

The proposed end games for General Motors and particularly Chrysler illustrate why government should not have gotten involved in the first place. It’s worthwhile to begin with the broader picture of how we buy about 17 million new cars and trucks a year. Now, we’re buying less than 10 million. That, of course, puts considerable stress on manufacturers with weaker products or financial structures.

How many new cars Americans will want to purchase in the future is unknown. But there can be a high degree of confidence in this: however many it is, someone will sell them to us.

Moreover, they are likely to be produced in the United States. A majority of cars sold by foreign manufacturers in the U.S. are actually built here.

So, why should the federal government care who it is that sells us our cars? There are two rationales offered. First, to preserve an “American” auto industry. Second, to preserve “American” jobs.

The proposed Chrysler restructuring gives the lie to both rationales.

Under the Obama administration’s proposal, Chrysler would, in essence, be given to Fiat, a company that wants to operate it.

So, how is an Italian car manufacturer operating in Michigan any more “American” than a Japanese manufacturer operating in Kentucky?

And why should the federal government give a market preference—through taxpayer financing and warrantee guarantees—to Italian cars produced by American workers in Michigan over Japanese cars produced by American workers in Kentucky?

The Obama administration’s proposal restructuring is more than just unjustified, however. It dangerously undermines the rule of law, as explained so beneficially by President Hayek in his classic, “The Road to Serfdom.”

The essence of the rule of law, according to Hayek, is that what the government will do is known in advance. That government will not act arbitrarily in specific circumstances to favor some economic actors over others.

Chrysler, of course, is in secured debt. Under the law, secured lenders have the first claim on the assets of the debtor in the event of non-payment.

The Obama administration is attempting to muscle past this law. Under its proposal, the health care trust of the auto workers’ union, an unsecured creditor, would forgive 57 percent of what Chrysler owes it, and receive 55 percent of the company’s equity. Fiat would pay nothing for its 20 percent initial ownership.

The secured creditors on Chrysler’s assets, were asked to forgive 70 percent of what they are owed and receive nothing in equity. When they refused and foreclosed, the company was excoriated by Obama—a shameful act by a president who pledged to uphold the law, not make it up as he went along.

The proposed restructuring is equally lopsided. The union trust would forgive half of what it is owed and receive 39 percent of the company. The other private lenders, in this case unsecured, would forgive 100 percent of what they are owed and receive just 10 percent of the company.

In his recent press conference, Obama said he had no interest in owning or operating car companies. Until this point, I was willing to accept Obama at his word, while fundamentally disagreeing with his economic policies. Given his actions, however, it’s hard to credit his disclaimer in this instance.

These proposed restructurings are power grabs, pure and simple. The positions of lenders are eviscerated to give control to the government.

The essence of the rule of law, according to Hayek, is that—as everyone knows, our President—government should not have a plan for closure. The Senate Appropriations Committee prepares to mark up the supplemental request this week. I urge the Senate Appropriations Committee to follow the example of the House of Representatives. Majority Leader Harry Reid has just informed us that the Senate Appropriations Committee would “fence” the $80 million, meaning that it would release it only when there is a plan,
but the plan could be almost anything. Nor is there any assurance in the statement that no prisoners could come to the United States until October 1. That is not the kind of assurance that will get the Senate to support this request. As the Senator said in his classically understated way: “That looks like an issue that could cause a little bit of debate.” I am sure he is absolutely correct about that. Surely, we can all agree that the Congress should not fund the most expensive requests when we have no idea how the administration will use the funding. Moreover, the stakes are huge. The terrorist population at Guantanamo is dangerous. These are the worst of the worst, some of the most dangerous people in the world.

The 241 terrorists at Guantanamo include 27 members of al-Qaida’s leadership, 95 lower level al-Qaida operatives, 9 members of the Taliban’s leadership, 12 Taliban fighters, and 92 former Taliban fighters. Among their ranks are Khalid Shaikh Mohammed, who is the mastermind of the 9/11 attacks and who, in the aftermath of those attacks, was planning a follow-up to attack a west coast skyscraper.

Another is Ali Abd al-Aziz Ali, who served as a key lieutenant for KSM—Khalid Shaikh Mohammed—during the planning for 9/11, and he, in fact, transferred majority to the United States-based operative for that plan.

Ramzi bin al-Shibh helped to organize the 9/11 attacks and he was a lead operative in the post-9/11 plot to hijack aircraft and crash them into Heathrow airport.

There is also a terrorist named Hambali, who helped plan the 2002 Bali bombings that killed more than 200 people and who facilitated the al-Qaida financing for the Jakarta Marriott attack in 2004. Abd al Rahim al Nashiri mastermined the attack on the USS Cole which claimed the lives of 17 U.S. sailors in October of 2000.

The prior administration has stated that most of the detainees should never be released because of the danger to the United States.

What about those who are considered safe for release? We have been undergoing a review of the prisoners from the time they have been taken, and occasionally we release some because we think they no longer represent a threat. The Department of Defense stated in January that 61 former Guantanamo detainees whom we had released returned to the battlefield against the United States and allied forces in Afghanistan, Iraq, and elsewhere. This represents in our criminal terms an 11-percent recidivism rate, and we are concerned that many of the rest of them may also be engaged in acts of terror. One of these recidivists, Said al-Nashiri, who was returned to his home in Saudi Arabia after his release from Guantanamo, went to Yemen and he is now the No. 2 in Yemen’s al-Qaida branch.

So what are we to do with these people? More than 100 days into the administration, we don’t know what their plan is. According to press reports, part of the plan may be to allow one group of these detainees, 17 Uighurs from China, to have residence in the United States.

As the Senator from Alabama, Mr. SESSIONS, noted in two letters to the Attorney General, such an action appears to be prohibited under United States law. Senator SESSIONS stated in his letter to Mr. Holder:

Just 4 years ago, Congress enacted into law a prohibition of foreign terrorist and trained militiants into this country. Accordingly, Congress is entitled to know what legal authority, if any, you believe the administration has to admit into the United States Uighurs and/or any other detainee who participated in terrorist-related activities covered by section 1182(a)(3)(B).

Congress obviously must have the answer to this question before it considers funding that could possibly be used to bring these and other terrorists and detainees to the United States.

What of the rest of the terrorists? Will the administration bring them to the United States to stand trial? If so, according to what rules? We have been told that the administration was shuttering the military commissions process set up by Congress, but now it appears that that process may be brought back. Will all of the remaining Guantanamo terrorists be tried in that system or will civilian courts be used? And if civilian courts, which ones?

If you consider terrorists actually being tried in U.S. civilian courts, you might try to imagine a little harder. The most likely locations of trials are in Manhattan or Alexandria, Virginia—both very high population areas. The 2006 death penalty trial of Zacarias Moussaoui turned Alexandria into a virtual encampment, with heavily armored agents, rooftop snipers, bomb-sniffing dogs, blocked streets, identification checks, and a fleet of television satellite trucks.

And where will these detainees be held while awaiting trial? Federal prisons, which are already overcrowded, would be overburdened with the obligation of housing terrorist suspects. Zacarias Moussaoui, who spent 23 hours a day inside his 80-square-foot cell, was constantly monitored and never saw other inmates. An entire unit of six cells and a common area was set aside just for him.

If not in federal prisons, then military prisons. Well, not so fast. Former Deputy Assistant Secretary of Defense for Detainee Affairs noted that extensive work would have to be done on existing military brigs before Guantanamo detainees could be held there: You can’t commingle them with military detainees, so you’d have to set up a separate wing or clear out the facility.

The structures would have to be reinforced so that they wouldn’t be vulnerable to terrorist attacks. He concludes by saying:

And you would have to address secondary and tertiary—in other words, security—concerns with the town, the county and the State.

The reality of the situation is that there is simply no better place for these terrorists than the state-of-the-art facility at Guantanamo.

This is why the Senator went on record voting against the proposition that these detainees be brought to the United States. In fact, the Senate agreed to the amendment offered by the senior Senator from Kentucky by a vote of 89 to 0. The people voting in support of this resolution were the Secretary of State, the Secretary of the Interior, and the Vice President himself while they were Members of this body. So key members of the Obama administration have agreed with the language of the amendment which was that Guantanamo detainees—and I am quoting now—’should not be . . . transferred stateside into facilities in American communities and neighborhoods.

If the administration has a plan, I will listen to it, but with approximately 8 months to go before the President's arbitrary deadline, I see no good answers to the complicated questions of what to do with the world’s most dangerous terrorists.

Before the President asks for appropriations to shut down the Guantanamo facility, appropriations which could be spent to bring these terrorists to the United States, the least he could do is to provide Congress with a plan that explains how Americans will be safer having Khalid Shaikh Mohammed and his partners as neighbors.

Mr. President, I note the absence of a quorum.

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

The Acting President pro tempore. The clerk will call the roll.

Mr. Kyl.Mr. President, we are soon going to be debating a bill that would place limits on the interest rate increases that credit card companies can levy on their debt holders. I look forward to debating the effects this bill will have on American families.

But before we do that, I wish to consider the debt that the Federal Government is accruing—via the budget and spending—on the Nation’s credit card. That is the debt that all American families will be responsible for repaying because, as it turns out, the comparisons between what you owe on your own credit card—the kind of bills you run up on your family credit card—will be distinct from the debt we are running up on the Federal credit card, except, of course, that the Federal debt is much bigger.
But the reality is that you owe both: your family credit card debt and your portion of the national debt.

President Obama’s budget puts us on a course to acquire debt that will reach 82.4 percent of the gross domestic product by the year 2019. What does that mean? The first point is that the debt is not interest free. There is debt interest charged on that just the same as on our personal credit cards. In fact, from Sunday’s Washington Post, there is an article called “The President’s Budget and the Future of Debt” by David Leonhardt.

The budget relies on so much borrowing that it will cost taxpayers more than $1 trillion just to cover interest payments for the next 10 years—more than twice what the federal government will spend on education, energy, homeland security, and veterans combined.

Mr. President, $4 trillion in interest on this debt—just for the next 10 years.

The Government will begin—as a result of the need to pay this back, starting in 2013 we will be paying more than $1 billion per day on finance charges to the people who hold this Federal debt.

Imagine a billion dollars a day in interest payments. I meant U.S. debt. A billion dollars in interest payments equates to $3.3 million a day for every American. Think about that—$3.3 million a day to finance the debt for every American citizen.

Can a family pay by these same rules? Can they pay with debt that would creep up to 84.2 percent of their total income? Let’s use a specific, typical example. A family in my State of Arizona earns an average income of $47,215 a year. Following the example of the President’s budget, this family would accrue nearly $38,000 in credit card debt to pay for the things it wants. Again, that is a $47,000 income and $38,000 in credit card debt. That is the same percentage of the family’s income that the Federal Government is acquiring as a percent of the Federal income, our national income.

What would that family’s situation be like? First, let’s focus on these hefty interest payments that I talked about. Say that the family’s credit card has a typical annual rate of 10 percent, which would cost $3,800 a year or $316 a month. If the family misses a payment or two, the interest rate can shoot up to 20 or 30 percent a year. That means the family could be spending as much as $316 or more on interest that is nearly a third of its total debt and nearly a quarter of its total income—just on interest alone. That is owed in addition to the monthly minimum payments for the principal borrowed. Just as the Government has to, the family probably would need to borrow more to get by, and the downward spiral would get worse and worse.

Needless to say, this kind of debt is not sustainable—not for the family or the Federal Government. It would rapidly lower the family’s standard of living. In most cases, it would bankrupt them. Beginning to chip away at that kind of debt would require real sacrifices—not just giving up nonessential spending, such as going to the movies or going out to dinner or going to the zoo but fundamental choices that would significantly lower the family’s standard of living.

A family with such massive debt would also be considered a big risk for other lenders, so it would be very difficult to go out and get more credit or a loan. This is the situation we are getting into with China, which currently holds nearly a third of our Nation’s debt. The Chinese are saying to us: We are not sure you are a good credit risk in the future or that we want to lend you any more money. We are relying on the Chinese to continue buying that debt. But in mid-March, Chinese Premier Wen Jiabao voiced concerns about U.S. Government bond holdings. He said:

We have lent huge amounts of money to the United States. Of course we are concerned about the safety of our assets. To be honest, I am a little bit worried, and I would like . . . call on the United States to honor its word to its nation and ensure the safety of Chinese assets.

Of course, this is exactly how credit works. Borrow massive amounts of money, and you are in over your head. A huge chunk of your income is reserved for debt repayments as interest, leaving you with little money to get by or for discretionary spending. You continue to borrow more, and your creditors probably get very nervous. Pretty soon, they may cease lending to you or hike up your interest rates to hedge their additional risk. The only way to get back on track is to stop spending—and that is if you can afford to get back on track by just stopping spending and not having to borrow more or taking bankruptcy.

That is a choice the U.S. Government doesn’t have. Yet there are no plans in Washington to halt the out-of-control spending. The massive amount of debt we are accumulating in entitlement programs is more than we can be sustained. These are things such as Social Security, Medicaid, and Medicare. We say that is an obligation we cannot default on. Yet we also know we cannot continue to fund that obligation. As the President’s head of the Office of Management and Budget has said, continued debts of the kind we are talking about are unsustainable. There have been some minor reductions in spending noted in the budget. Some are in the area of defense, perhaps not the best area to cut back. But the minor amount of spending reduction doesn’t go nearly far enough when we are talking about multiple trillions of dollars in spending and debt—$4 trillion just on debt service in the next 10 years alone.

The overwhelming majority of American families, of course, don’t engage in this kind of reckless borrowing and spending. They cannot. They have to make hard choices to determine what they can afford to do.

Washington needs to do the same. These are hard choices. We need to make hard choices. The editorial in the Washington Post from last Sunday made the same point. Again, the title was: “The President’s budget. Leaving the hard choices for the next one.” It notes that when the President was campaigning, he said:

“We can no longer afford to leave the hard choices for the next budget, the next administration, or the next generation,” declared President Barack Obama last week as he unveiled his budget.

As the Post notes:

We, yes, but that is exactly what he does. They conclude that:

We just hope that it is only until the next budget rather than the next administration.

The bottom line is, the budget sent to us by the President doesn’t tackle the big issues, it doesn’t reduce spending, it doesn’t even cut existing programs substantially, with the net result that we are going to be taking on debt that will require financing of $1 trillion over the next 10 years. As was noted, that is not sustainable. We can’t continue to finance that. It is just like a family which makes $47,000 a year cannot afford to take on $38,000 in debt. That is the relative proportion.

One more time, the amount of debt we are taking on compared to our national income is the same ratio as a family making $47,000 taking on $38,000 of debt on their credit card. I am not talking about a 30-year mortgage on the house but something that has to be paid back at the end of the month. And if you don’t pay it, your interest rate goes up to 25 or 30 percent. That is simply not sustainable. I hope that by putting this into the context of a real family budget, it is clear to people this isn’t some hypothetical, unrealistic comparison. When we take on this much debt at the Federal Government level, there are real consequences. When you talk about $3.3 million a day for each citizen of the United States to pay interest on a debt that we are alone, you see the magnitude of what we are taking on. We have never done this before in the history of the country. There is no experience of how we will possibly deal with this. This one budget, during this one 10-year window, accumulates more debt than all the debt in the United States in our entire history, from George Washington all the way through George W. Bush. In that 220-year history, we have less debt than is represented in this one budget.

The American people cannot make enough money to repay that amount of money. Our standard of living will be diminished substantially. The only way out of it is to reduce the amount of spending in the future. We can start with that right now. We don’t have to start after next year. We can actually start with it this year.

I ask my colleagues, as we talk about the budget the President has announced, we start working on the appropriations bills that will be coming from the Appropriations Committee, that we stop and think about
the amount of debt we are imposing on ourselves, our kids, and our grandkids. That debt will come due more quickly than we think. The consequences could be dire.

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

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

The legislative clerk proceeded to call the roll.

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

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

GUANTANAMO BAY

Mr. MCCONNELL. Mr. President, for weeks, Republicans in Congress have been saying what Democrats are finally beginning to acknowledge: that the administration has no plan for closing Guantanamo and that closing this secure facility without a safe alternative is irresponsible, dangerous, and, frankly, unacceptable.

Over the years, Guantanamo has housed the most hardened terrorists ever captured alive, and many of those who remain are the worst of the worst. Some have already killed innocent Americans, and many are outspoken about their desire to kill more Americans. These men are exactly where they belong: locked up in a safe and secure prison and isolated from the American people where they can do no harm.

America has not been attacked at home since 9/11 because of the hard work of our Armed Forces, dedicated intelligence officials, the men and women at the Department of Homeland Security, and State and local law enforcement officials. But another reason we have not been attacked is because some of those most likely to do so are locked up down at Guantanamo. These inmates are not spectators. They are the enemy. They are the plotters, the operatives and served as a sort of tactical advisor to the death of several intelligence officials, who acknowledges to be humane and well run. Americans want these men kept out of our neighborhoods and off the battlefield, and Guantanamo guarantees that. Closing this facility by an arbitrary deadline without an alternative is irresponsible and it is dangerous. It is unacceptable to the American people and unacceptable to an increasing number of lawmakers on both sides of the aisle.

The Attorney General has said that when it comes to Guantanamo, his chief concern is the safety of the American people. Yet, at the moment, the safest option is clearly the one we are exercising. If safety is our top concern, then the administration will rethink its arbitrary deadline for closing Guantanamo until it presents us with an equally safe alternative.

NATIONAL POLICE WEEK

Mr. MCCONNELL. Mr. President, this week we commemorate National Police Week, recognizing the service and sacrifice of the men and women across America in law enforcement. We especially recognize the officers who have been tragically killed in the line of duty while protecting our communities and safeguarding our democracy. Over 25 years ago, I served as a county executive in Jefferson County, KY, which includes my hometown of Louisville. I got to work with the county’s law enforcement memorial in Jefferson Square yesterday.

Her husband, Forest Hills Police Chief Randy Wells, was killed in October 2007 while writing an off-duty training field exercise. Yesterday, Wells joined other family members and friends of officers killed in the line of duty to remember and pay their respects during a service at Jefferson Square downtown.

"It’s wonderful that they remember," Sue Wells’ eyes filled with tears as she stood next to a wreath she helped lay at the law enforcement memorial in Jefferson Square yesterday.

Mrs. Wells’ eyes filled with tears as she stood next to a wreath she helped lay at the law enforcement memorial in Jefferson Square yesterday.

"When their duty called, they laid down their lives for us, for our community, for our state," Officer Russell Fuller said during the ceremony. "We will not let their actions fade into history.

Memorials of this type mean a lot to those families left behind, said Jennifer Thacker, who spoke during the service. Thacker’s husband, Brandon, was shot in April 1998 while working as an investigator for the Kentucky State Police. He died the next day. Thacker now serves as national president of Concerns of Police Survivors, or COPS.

She spoke to those attending about the value of always being a member of the law enforcement family.
"I found hope and courage through the support of others," she said. Louisville Metro Police Chief Robert White attended yesterday's ceremony because he said it's important to pay respects and keep the memories alive of those who have died in the service of their community.

He said these annual ceremonies serve not only as reminders of a renewed pledge of the commitment officers make to their fellow officers and those officers' families.

"It really reiterates the importance of maintaining honor and respect for those men and women who have lost their lives in the line of duty," White said.

Wells said while the service brings up many emotions, she is grateful for the support she has received during her loss, which continues today.

"If I need anything I know I could call in the wee hours of the morning," she said.

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(From the Richmond Register, Apr. 28, 2009)

STATE ADDS 28 NAMES TO LAW ENFORCEMENT MEMORIAL

(By Bill Robinson)

As a kilted bagpiper played and Gov. Steve Beshear watched Monday morning, 120 Kentucky law enforcement cadets marched in military fashion to a ceremony honoring two law officers who died in the line of duty last year.

A bright spring sun flooded the state's Law Enforcement Memorial at the Capitol, with light for the ceremony attended by officers and family members from across the state.

In addition to the names of Harlan County Constable Joe Howard and Bell County Deputy Sean Pursifull, the names of 26 other officers who died in the line of duty between 1982 and 1993 were added to the memorial's wall of honor.

American flags were presented to the families or departments of each officer whose name was added this year.

Pursifull and his K-9 partner were killed Jan. 10, 2008, when a vehicle driven by a fleeing suspect hit their car.

Howard suffered a fatal heart attack while serving a warrant on April 1, 2008.

Howard's son, Tim, an 11-year veteran of the Harlan County Sheriff's Department, attended the ceremony with his wife and 8-year-old daughter.

In addition to eulogizing the fallen officers, Beshear praised the cadets who "knowing the dangers, marched with their heads held high, undeterred from their goal of becoming a peace officer."

Today's law officers must be better trained than ever, Beshear said, because criminals in the 21st century are more sophisticated, more dangerous than ever, Beshear said, because criminals in the 21st century are more sophisticated, more dangerous.

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

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

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

NEW YORK FED CHAIRMAN

Mr. SESSIONS. Mr. President, I wish to briefly discuss an issue that I think is important and probably have been worthy of front-page news articles around the country. Instead, I notice it is just another piece of news in the middle of a paper.

Last Thursday, Mr. Stephen Friedman, New York Fed's chairman, announced, effective immediately, as Chairman of the Federal Reserve Bank of New York, considered a central reserve bank in the country, the one that now-Secretary Geithner used to serve as president. As Chairman, Mr. Friedman stepped down only after a Wall Street Journal story questioned his ties to Goldman Sachs, a banking institution, at the same time he was serving on the New York Fed's board. Unfortunately, his bad judgment is just another example in a long line of examples demonstrating the tangled web we have woven in allowing so prominent a government role in private businesses, involving hundreds of billions of dollars.

Let me read what the Wall Street Journal reported last Monday, May 4:

The Federal Reserve Bank of New York shaped Washington's response to the financial crisis late last year, which buoyed Goldman Sachs and other Wall Street firms. Goldman received speedy approval to become a bank holding company in September [of last year] and a $10 billion capital injection after they redefined themselves as a bank holding company. Prior to that, they were not eligible.

The money was given to the Secretary of the Treasury, and he met in private with many of these banks. Many of them were people he knew and were friends and allies with, and he started allocating this $700 billion. It has continued now under Mr. Geithner, a man who previously was president of the Federal Reserve Bank of New York.

Through TARP—the $700 billion bailout—a blank check with no accountability or intent, we have seen more and more of these instances of impropropriety and lack of wisdom.

AUNG SAN SUU KYI

Mr. MCCONNELL. Mr. President, word has reached me that the health of Peace Prize laureate Aung San Suu Kyi has taken a turn for the worse and that the Burmese Government is not allowing her to get the medical attention she needs. I join the administration in calling for Burmese officials to allow her doctor the access he needs to treat her. The Obama administration is currently reviewing our Nation's policies toward Burma.

It is important for the international community to press for Suu Kyi's unconditional release. We also need to continue to call for an end to the attacks against ethnic minorities.

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

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

The assistant legislative clerk proceeded to call the roll.

This is a troubling matter. Members of the Senate cannot even allow a lobbyist to buy our lunch. Yet this man can be on a board and can buy stock while he is asking for approval to do something he wants to do—and they still give him that approval—and he continues to buy stock and it goes up in value $1.7 million.

According to the article:

Mr. Friedman says he checked with a Goldman lawyer to make sure there was no timing issue with such a purchase. He says he didn't check with the Fed. New York Fed lawyers say they didn't learn about his share until the day before the transactions about them in April. [The day after receiving a waiver.] Mr. Friedman purchased 15,300 more Goldman shares. . . . That million-dollar purchase was given to the Secretary of the Treasury, and he met in private with many of these banks. Many of them were people he knew and were friends and allies with, and he started allocating this $700 billion. It has continued now under Mr. Geithner, a man who previously was president of the Federal Reserve Bank of New York.
I think we have entered a time in American history where the line between Government and free enterprise has become muddled more than ever. During good times and bad—but particularly during times such as today—the American system of capitalism and free enterprise should not be manipulated for the benefit of insiders. We expect the people who are setting policy to be independent and above that kind of activity.

I will note that the reports concerning how the AIG bailout was handled remain unchallenged. This is what the report is indicating: that Mr. Paulson, who was Secretary of the Treasury and who had been the CEO of Goldman Sachs, was in and out of a meeting—a very important meeting—involve the insurance company AIG. Also, in that meeting, as I recall, was Mr. Kashkari, Mr. Paulson’s assistant, who is Goldman Sachs, who else was in that meeting? The chairman of the board of Goldman Sachs—the current, immediate chairman at that time—and they were talking about an insurance company, AIG, and who decided to pump $80 billion into that company. Now we have pumped in $170 billion. Of course, we now know that of the money that went to AIG, $20 billion went to Goldman Sachs.

So these are the kinds of things that are causing me great difficulty. I am a lawyer. I know how things are supposed to work. When you ask for money, you raise your hand under oath. People ought to be asking you questions. If you are in bankruptcy, you have to be cross-examined by lawyers. The judge gets to ask questions. You have to submit certified financial statements before you get money. We cannot just allow a handful of people to meet in secret, decide we are in an emergency, and pass out hundreds of billions of dollars without the kind of accountability that I think is necessary.

I will say to my colleagues in the Senate, that when we passed the TARP bill, I opposed it, and I said it was far too much a grant of power to one man—the Secretary of the Treasury—to allocate money that Congress should be appropriating. I raised that point, and I believe history has shown the language in that bill was even more broad than we thought. Because, originally, we were told the money would be used to buy toxic mortgages from banks that were in trouble. That is what Mr. Paulson told us. That is what every banking official told us. That is what every agency told us the money would be used to buy toxic mortgages from banks that were in trouble. We, the taxpayers, became the guarantor of an insurance company’s responsibilities, which was never discussed with the Senate, the House or the American people. They just did it.

The amount of money they committed was tremendous—I believe $700 billion; whereas, the Federal highway budget for the whole United States is just $40 billion, and the education budget for the United States, the Federal Government, is $100 billion.

I don’t like this process. I am seeing too many stories such as this one involving Mr. Friedman, and it is time for Congress to get serious about it. I hope the Obama administration will stand and be counted. Mr. Friedman came in, I believe, under the Bush administration, so I am not being partisan. But it is time for the Obama administration to take a stand too. Mr. Geithner was in the middle of most of this; he helped write the proposal and was, what many called, the brains behind the Paulson proposal—the $700 billion bailout.

This is a continuing problem in both administrations. It is time for Congress to reassert its constitutional responsibility to monitor the purse and to not allow money to be distributed in these kinds of sums without direct approval of the people through their elected representatives.

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

The ACTING PRESIDENT pro tempore.

Mr. DODD. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with. I thank the Presiding Officer, a member of the Banking Committee, along with other members of the committee who worked with us over the last number of days. I want to begin by expressing, first, my gratitude to the majority leader, Senator Reid, for his leadership in an insurance company—AIG—pumped half the money into one insurance company, and $40 billion of the money that went into AIG went to foreign banks to pay the claims those banks had against AIG, as it did with other banks. We, the taxpayers, became the guarantor of an insurance company’s responsibilities, which was never discussed with the Senate, the House or the American people. They just did it.

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

The ACTING PRESIDENT pro tempore.

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

The ACTING PRESIDENT pro tempore.

Mr. DODD. Mr. President, this is the Credit Card Accountability, Responsibility, and Disclosure Act. That is what we are going to talk about over the next few days, about credit cards, about interest rates, penalty fees, and other matters.

Let me call up the amendment.

AMENDMENT NO. 1058

(Purpose: In the nature of a substitute)

The ACTING PRESIDENT pro tempore.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. SHELBY, proposes an amendment numbered 1058.

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

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

The amendment is printed in today’s CONGRESSIONAL RECORD under “Text of Amendments.”

For the purpose of my colleagues, this is the substitute amendment that Senator SHELBY and I have worked on over the last number of days. I want to begin by expressing, first, my gratitude to the majority leader, Senator Reid, for his leadership and support in the effort to get this matter to the point we are this afternoon. Of course I express my gratitude to Senator SHELBY and his staff as well as my own staff, who worked all through the weekend to try to resolve outstanding differences to bring us to the point where we have the bipartisan proposal to offer reform of the credit card laws in our country that most Americans do not need much of a speech about. Many times we are involved in a discussion and we are informing the public for the first time about a problem, or at least a very limited number of people are aware of it. In this case, the public is probably more aware than many about problems with interest rates and fees and penalties and the like. Every single day people go through this. This afternoon I want to talk about this bill. I want to tell my colleagues what is in this credit card reform bill.

I thank the Presiding Officer, a member of the Banking Committee, along with other members of the committee who worked with us over the last number of weeks to try to complete a product here that can enjoy, I hope, as we go through this over the next day or two, broad bipartisan support.

Let me take, if I can, the next few minutes and talk about the bill specifically, what the provisions are and why we have worked so hard to pull this bill together.

This is not a new issue for me. I have been at credit card reform issues for actually more than 20 years. In the past I have not succeeded, candidly, reforming the credit card laws of our Nation. But in light of what has occurred over the last number of months and years, I think there is a greater indication of the need to step up and create
some real changes, given the conditions our constituents are living with, the number of people unemployed, the obvious problem of foreclosure rates, and the like.

This issue is finding a tipping point. I believe now is the time to work in a bipartisan fashion to create some meaningful reforms, and nothing would please me more than to have that kind of strong bipartisan support for these changes.

I rise in strong support of the Credit Card Accountability, Responsibility, and Disclosure Act of 2009. The substitute amendment, I have offered on behalf of myself and Senator SHELBY of Alabama, the former chairman of the Banking Committee. I thank him and his staff, and, of course, my own staff, who worked very hard on this issue—I will make specific reference to them during the debate—and who have done a terrific job in bringing this together in this bipartisan fashion.

The bill before us addresses an issue of crisis importance to millions of American consumers and their families and to the stability of our financial system; that is, the need to reform the practices of our Nation’s credit card companies and provide a comprehensive set of tough new protections for consumers.

I begin by thanking Senator SHELBY for his diligence throughout this process. I also acknowledge the hard work his staff has put in negotiating this important bill, along with my own staff who have worked very hard as well.

Americans know they have a responsibility to live within their means and to pay what they owe. But they also have a right not to be deceived, misled, or ripped off by unfair and arbitrary practices that have become all too common within the credit card industry. Banning these practices is especially critical today.

Since the recession began in December of 2007, 5.1 million jobs have been lost in our Nation, with almost two-thirds of those losses occurring in the last 5 months alone. It is clear the financial crisis is hitting American families very hard indeed. But precisely at a time when our economy is in crisis and consumers are struggling to live within their means, credit card companies too often are gouging them with hidden fees and sudden interest rate hikes that for many make the task nearly impossible.

With the average outstanding credit card debt for households with a credit card now nearly $10,700, credit card companies are making an already difficult economic downturn suffocating for far too many millions of our American citizens.

The range of abusive practices is as long as it is appalling: retroactive rate increases on existing balances; double-cycle billing that charges interest on balances the consumers have already paid; deceptive marketing to young people; changing the terms of the credit card agreement at any time, for any reason, on any balance; skyrocketing penalty interest rates, some as high as 32 percent.

My colleague from New York, Senator SCHUMER, has called this “trip-wire pricing,” saying the whole business model of the credit card industry is not to protect consumers but to induce mistakes and trap consumers into debt. I think he is absolutely right, unfortunately. This is an industry that has been thriving on mis-leading its consumers and its customers.

If you need any evidence of that, just look at how they even hike interest rates on consumers who pay on time and consistently meet the terms of their credit card agreements. Take Phil Sherwood of my State, who always paid his bills on time, who had a credit score in the 700s. He is an up-standing member of his community; in fact, a city councilman in New Britain, CT. A few years ago he received a notice from his credit card company informing him that his interest rate was nearly doubling, and the associated fees on his account were going up as well. He had done nothing wrong, not been late, no changes whatsoever, just an arbitrary increase.

A recent survey of the country’s 12 largest credit card issuers by the Pew Charitable Trust found that Phil Sherwood was not alone. Pew reported that 93 percent of surveyed cards allowed the issuer to raise interest rates at any time, for any reason.

Between March of 2007 and February of 2008, credit card companies raised interest rates nearly five out of every four accounts, nearly 70 million cardholders who were charged $10 billion in extra interest rates. That is within an 11-month period.

That $10 billion is not paying for college tuition; it is not paying for groceries or for safe, affordable shelter in the midst of a housing crisis. It is going straight into the pockets of credit card companies; and they are doing it for one reason—because they can.

Little wonder that we have seen a tenfold increase in the penalty fees customers have been charged in the last decade alone. Even the Federal financial regulators who dropped the ball terribly, in my view, during the subprime mortgage crisis have recognized the harm these sinister practices pose not only to consumers but also to our economy as a whole.

Recently, in fact, the Federal Reserve, the Office of Thrift Supervision, and the National Credit Union Administration finalized rules aimed at curbing some of these practices. These rules are a good first step, I want to commend them for it. They deserve commendation. We’ve stepped up and proposed these regulations. These rules made a difference already.

But with our economy hanging in the balance, layoffs mounting, and consumers struggling to pay for basic necessities, I think the moment is right for a more comprehensive reform, despite the good first step of the Federal Reserve and others.

I first began waging this fight to reform credit card company practices more than 20 years ago. Back then it was difficult to get anyone to pay much attention to what was clearly becoming a slippery slope toward more abusive and deceptive practices by these card issuers. It was a lonely fight in those days.

But today we have an American President, President Obama, on our side. He recognizes that credit card reform is not incidental to our economic recovery. As he has stated over and over again, it is essential. He has pledged to get credit card reform “done in short order” to quote him exactly, and said this weekend that he wants us to send him a bill by Memorial Day.

I intend to do everything I can, and I am sure my colleagues will, to ensure we meet that challenge—not for the President, not for the White House, but for the consumers and customers out there who are waiting to see whether we will step up on this side of the ledger and do something on their behalf.

We have spent a lot of time in this body, a lot of time over the past weeks to get the White House, the institutions, to stabilize them, to get them on their feet, to get credit flowing again. I believe those decisions, by and large, we have made have been the right ones, although clearly we could have started earlier.

But now it is time to do something for the other side of that ledger; that is, for consumers out there who deserve a break, particularly with practices, as I mentioned: 70 million accounts having their rates raised in the last year alone, and people such as Phil Sherwood having them raised for no reason whatsoever, solely because the issuer can do so.

So it is time we do this—not for the President, not for the White House, but because the President would like it but, more importantly, because the American taxpayers who are waiting to see whether we will step up in these times to get the help they need in this area.

So today as the Senate takes up the credit card legislation, we stand up for the people in this country who want no more of these practices, no more tricking customers into more debt than they agreed to, no more taking advantage of financially responsible credit card users, and no more abuse of consumers that goes unpunished.

The time has come to insist on consumer protections that are strong and reliable, rules that are transparent and fair, and statements that are clear and informative. Those principles are the very essence of the Credit Card Act.

Allow me to take, if I can, just a few minutes to explain how the provisions of this bill will work. First and foremost, the essential truth is that unfair and arbitrary increases in interest rates and changes in the terms of credit card contracts.
Why is this so important? I recently met Kristina Jorgensen, a graphic designer from Southbury, CT. She transferred her student loans to a credit card to take advantage of the low “fixed rate” offer, only to have the interest rate on that debt increase from 5 percent to 24 percent per year.

Her monthly payments increased by $260. She had to cash in her retirement IRAs to pay off the credit card debt, all because she paid 1 day late by phone. Let me repeat that: never in trouble before, never had a problem, paying extra fees squarely in the hands of consumers, not the banks.

Our bill also requires the credit card statement to be mailed 21 days before the bill is due rather than the current 14. The bill also encourages transparency in credit card pricing, requiring the Government Accountability Office to study the effect that interchange fees have on our merchants and consumers.

I thank a number of my colleagues who expressed a strong interest in this subject. That includes our colleague from Hawaii, Senator HANAMAUA, who has written a strong study provision than the one we have in our bill. I am not suggesting the consumer be charged enormous fees for unknowingly going a few dollars over their credit limit. Our bill prohibits issuers from charging hidden over-the-limit fees. It says if cardholders want to go over their credit limit, they can make sure they have the responsibility exercised on both sides of that equation, a borrower and lender.

Secondly, our bill puts an end to the exorbitant and unnecessary fees that drive families further into debt. Not that long ago, if you were over your credit card limit, your card was declined at the store. I am old enough to remember when that could happen—it happened to me—that awkward moment when you have gone to purchase something, and you are standing in line, and all of a sudden that clerk says, “I am sorry, but you have been rejected.”

That is always an awkward moment, particularly if people are standing behind you in that line, and you take your purchases and sheepishly walk away and put them back on the shelf because you went over your limit.

It was not comfortable, but it protected you against going over the limit. In those days you did not have to ask for it, it happened automatically. Well, that has all changed, of course, in recent days. In fact, the issuers enjoy that moment because when you walk up and purchase something, despite the fact that you may want a fixed limit, at that point you go over, of course, then the penalty fees and other charges pour in. Of course, that becomes a bonanza on additional penalties collected.

Now, I am not suggesting the consumer does not bear a responsibility. But in the days when there was a responsibility exercised on both sides of that equation, a borrower and lender.

Our bill also requires penalty fees to be reasonable and proportional to the violation. Further, our bill prevents companies from charging fees for customers making payments by mail, telephone, or electronically, and strengthens protections against excessive fees on low-credit, high-fee credit cards. We are not simply jack-ing up these fees to unreasonably high levels to make money on the backs of consumers will be over.

Third, our bill protects the rights of financially responsible credit card users. Say last month, for instance, you had a credit card debt of $1,000, and since then you have paid $900 of that debt off. It is not uncommon for some credit card companies to keep charging interest not on $100 of debt but on the full previous $1,000 of debt. Our bill puts an end to that so-called “double-cycle billing,” and says if the credit card company delayed crediting your payment, you will not be penalized for their mistake.

Our bill also requires the credit card statement to be mailed 21 days before the bill is due rather than the current 14. The bill also encourages transparency in credit card pricing, requiring the Government Accountability Office to study the effect that interchange fees have on our merchants and consumers.
The bill also requires the Federal Reserve Board to post consumer credit card agreements on its Web site.

Fifth, our bill insists on a fair allocation to hold multiple credit card balances with multiple interest rates. If you send an extra thousand dollars along, for example, with your minimum payment, that amount should be credited to the account with the highest interest rate first. Our legislation ensures that it will be.

Our bill also prohibits issuers from setting early-morning deadlines for credit card payments. We all understand that we have to pay our credit card bills on a specific date, but what too many card companies don’t tell you is that it isn’t just the date the payment is due but often a specific time in the day. In too many cases, it is in the hours rather than the end of business for that day. So, for example, if you pay your bill—call the company or make an online payment—before the close of business on the due date, sometimes you will get penalized for a late payment because the credit card company will not know the payment was received until the cardholder, was at 10 a.m. that morning on the due date. This legislation puts a stop to that as well.

I should add that for the very first time the Federal Government will provide incentives for recipients of gift cards, and we thank our colleague from New York, Senator SCHUMER, for his leadership on this issue. This legislation will make it easier for recipients of gift cards to cash them in. Under the Schumer provision, if you receive a gift card, your balance won’t disappear before you have a chance to spend it.

Sixth, this legislation includes robust protections for young people and students. Recently, my 7-year-old daughter received a credit card solicitation in the mail. We laughed it off, but it brings up a serious point. Young people—and ultimately their parents—are faced with an onslaught of credit card offers, often years before they turn 18, usually as soon as they set one foot on a college campus. Just as we saw in the mortgage crisis with lenders and borrowers, too often issuers offer cards to young people without verifying any ability to repay whatsoever. In the meantime, too many of these issuers also recognize the tremendous profits that may be offered. Some may try to undo it. But we need to have a full and open debate. Then my hope is that, by an overwhelming vote, my colleagues will support the fight to protect consumers against predatory credit card practices. Senator CARL LEVIN of Michigan has been a leader in this area for many years as well and generated some important ideas that are included in the bill Senator SHELDY and I are offering. For decades, their efforts have fallen on deaf ears but not this time.

Today, with practices so brazen and widespread, as our economy quite literally hangs in the balance, one thing is clear: This is the moment for credit card reform. Our economy will not recover if we allow practices such as these to continue. I urge my colleagues to support this legislation, to stand up for American families who are already facing tremendous difficulties on a daily basis, with rising costs in energy and health care, the difficulty of holding on to their homes. All of these issues are confronting them. At the very least, having spent as much time as we have on dealing with stabilizing financial institutions, to take out a few days in all of the debate and give American families by reducing outrageous and egregious practices that have added so many financial burdens to them is long overdue.

Senator SHELDY and I are proud of this substitute. We thank our colleagues who helped us work on it. We look forward to the debate on amendments that may be offered. Some may strengthen what we have suggested. Others may try to undo it. But we need to have a full and open debate. Then my hope is that, by an overwhelming vote, my colleagues will support this legislation.

The House has already acted—I commend them—under the leadership of BARNEY FRANK and others on the Financial Services Committee in that Chamber. Our intention is to follow with this legislation. Congresswoman CAROLYN MALONEY deserves credit, having authored the legislation in the House.

We think we have a good bill, a strong bill. We think we have made some improvements on what the House recommended. I look forward to the debate that is forthcoming.

Amy Friend and Lynsey Graham, who are sitting here next to me, did a
remarkable job in negotiating, working with other Members, with outside interests, including the issuers and consumer groups, on putting this bill together. Charles Yi, as well, worked on this, and Colin McGinnis. A lot of people worked on this. But these three—Charlie, Lynda Graham, and Amy Friend—did a great job.

Our staffs do so much hard work and don’t get the credit they deserve for the work they do. I am deeply grateful to them for their tremendous leadership as well.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

75TH BIRTHDAY OF SENATOR JAMES JEFFORDS

Mr. SANDERS. Madam President, today we celebrate the 75th birthday of Senator James Merrill Jeffords of Vermont, who was born in Rutland, VT, on May 11, 1934.

He is the son of Marion Hausman and Olin Jeffords. His father served as chief justice of the Vermont Supreme Court.

Jim Jeffords went to college at Yale University and thereafter got a law degree from Harvard Law School. He served three tours of duty in the U.S. Navy and was in the Naval Reserve until he retired as captain in 1990.

In 1966, he entered the political world and was elected to the Vermont State Senate. Two years later, he ran for Vermont attorney general and was elected to that position. In 1974, he ran for Vermont’s seat in the U.S. House of Representatives and served for 14 years. In 1988, Jim Jeffords was elected to the Senate of the United States. He was reelected in 1994 and 2000. In 2006, he retired from public life.

Jim Jeffords’ mother was a music teacher. Her work had a profound impact on his life. While in Congress, he cofounded the Congressional Arts Caucus. He also began the Congressional High School Art Competition, a bipartisan program that celebrates the talents of high school students in congressional districts across America. That program still exists and flourishes.

Jim Jeffords’ work in both the House and the Senate was centered on education, on job training, and on individuals with disabilities, culminating in his strong support for the Individuals with Disabilities Education Act. He will be long remembered as a champion of education, and especially for providing new and rich educational opportunities for those millions of Americans with disabilities who in too many instances were ignored by our schools.

Jim Jeffords is a living example of Vermont tradition, in the footsteps of his predecessors Senator Robert Stafford and Senator George Aiken, of serving on the Environment and Public Works Committee. When he assumed the chair of that committee, he provided early and courageous leadership on an emergent problem, which today we recognize as the central environmental issue of our time: global warming.

Early on, Jim Jeffords recognized that the buildup of greenhouse gases would change the climate of our entire planet. He said about it:

The climate is warming, it is due to human activity, and I hope to hell that human behavior will ensure that my grandson, Patton Henry Jeffords, will not suffer the consequences.

But he not only recognized the problem, he set about finding a solution, drafting far-reaching cap-and-trade legislation which even today represents the single most important Federal route to reducing greenhouse gases and to lessening and hopefully reversing global warming. As we consider cap-and-trade legislation in this session, we will be continuing the work Jim Jeffords helped begin and which his foresight set on the national agenda.

In 2001, Jim Jeffords, in a move of great courage, left the Republican Party and became an Independent. This action changed control of the Senate, won widespread support in Vermont, and thrust this normally reserved and quiet man into the national spotlight.

On November 1, 2002, Jim Jeffords was 1 of 23 Senators to vote against authorizing the use of military force in Iraq.

I, personally, have known Jim Jeffords for 37 years, and I can attest to the warmth and affection with which he is held to this day in the State of Vermont. Unassuming, straightforward, and honest, he is respected not only by those who agreed with his views but by those who disagreed. His service has been a beacon of Vermont independence and vision, and so I join the rest of my fellow citizens in Vermont and the Senators in this body in wishing Jim a very happy 75th birthday.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Madam President, I understand there is a unanimous consent agreement that needs to be pronounced, and I yield for that purpose.

The PRESIDING OFFICER. The Senator from Arizona.

UNANIMOUS CONSENT REQUESTS—H.R. 131

Mr. KYL. Madam President, I appreciate the courtesy of my colleague from Michigan.

I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Connecticut.

Mr. DODD. Madam President, as a counter to that proposal, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 49, H.R. 131, the Reagan Commission bill; that a Feingold amendment, which is at the desk—the text of S. 564, the Wartime Treaty Study Act—be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Michigan.

Mr. DODD. Madam President, I would note that the objection I registered was on behalf of Senator Feingold, and I wish the RECORD to reflect that.

The PRESIDING OFFICER. The Record will so reflect.

The Senator from Michigan.

Mr. LEVIN. Madam President, I am here today to strongly support the Dodd-Shelby substitute to the House bill on credit card reform. Before I proceed with my statement, I wish to say how appreciative I am, and the country will be, for the efforts of Chris Dodd and Senator Shelby. This has been an effort on the part of Senator Dodd which has been ongoing for a long time. It is a very difficult, complex effort that he has undertaken with his customary diligence. When we can get this passed—and hopefully we will by the end of May, as the President has requested—there will be a very strong feeling across this country that, hallelujah, the Congress has finally acted to correct some of the abuses which have cost our consumers so many hundreds of billions of dollars in unfair charges by some credit card companies.

Millions of Americans today are facing the worst economic crisis of their lifetime. Their hardship is being compounded by unfair credit card fees and interest charges. It is long past time for us to do something about it. The Credit Card Accountability, Responsibility, and Disclosure Act of 2009, which is 414, from Nclced earlier this year by Senator Dodd, myself, and a number of our colleagues to combat credit card abuses, is the best chance we have to do just that. With this substitute, we are going to be able, I believe, on a bipartisan basis, with hopefully enough support in the Senate, to accomplish our goal.

With home prices falling and unemployment rising, millions of Americans
who are still managing to pay their credit card bills on time have nonetheless been subjected to hiked interest rates. They have been hit with a double whammy—hard economic times and abusive credit card interest rates and fees. It is simply wrong for America's banks to dig customers out of the hole they put themselves in by putting American families into a deeper hole with fees and sky-high interest charges that are often retroactively applied. Even as the prime rate has gone down, some credit card companies have hiked interest rates on millions of customers who play by the rules. To add insult to injury, banks that received bailouts are frequently the ones that are pun-
ishing the very taxpayers who came to rescue them.

Credit card companies have used a host of unfair practices. They unilaterally hike the interest rates of cardholders who pay on time and comply with their card agreements and then, as soon as said agreements entered into. They impose interest rates as high as 32 percent, and they apply higher interest rates retroactively to existing credit card debt. They pile on excessive fees and then charge interest on those fees, and then engage in a myriad of other unfair practices that are burying American consumers in a mountain of debt.

I have received thousands of letters from people who have been treated unfairly by credit card companies. They are powerless to do anything about it. The letters come from people from all over the country, from all walks of life; letters after letter, each more poignant than the next.

The President has also heard those voices. He has made clear his support for ending abusive practices which cause so much pain and financial damage to American families, and he has called on Congress to send him a bill by the end of April that will define the problem and force banks to more fairly apply consumer payments.

But the regulation, regrettably, leaves in place blatantly unfair credit card practices that mire families in debt. It fails to stop abuses such as charging interest on debt that was paid on time, charging people a fee simply to pay their bills, and hiking interest rates on a credit card because of a misstep on another unrelated debt, a practice known as universal default. It doesn't stop the universal default. It doesn't stop the whammy—hard economic times and forcing banks to more fairly apply consumer payments.

As mentioned today would not go as far as the Dodd-Levin bill, but offers a good compromise with strong consumer protections that ought to attract widespread support in the Senate. The substitute introduced today would also provide a statutory foundation for ending unfair practices in Credit Cards Act. I am pleased that at that time we had so many colleagues here today.

Senator SHELBY for joining him in this substitute. Now is the time for the full Senate to act so that we can then re- solve any differences with the House, and send the bill to President Obama, who has said he is ready to sign credit card legislation.

For years now, we have been combating abusive credit card practices on our Permanent Subcommittee on In- vestigations, which I chair. The sub- committee held two investigative hear- ings in 2007, exposing those practices. I introduced legislation that same year, S. 1395, the Stop Unfair Credit Prac- tices in Credit Cards Act. I am pleased to report that at that time we had so many colleagues here today.

Under this bill, card issuers will no longer be able to charge higher rates on cards that were paid on time, and then unilaterally jacking up the interest rate after the money is owing. Our bill doesn’t restrict fair lending; it only af- fects credit card companies that engage in irresponsible lending practices that bury people unfairly in debt, the sort of debt that the companies often don’t even expect to fully recover, but profit from nonetheless, through the extraction of fees and interest.

Some say that it is the role of reg- ulators, not Congress, to combat unfair lending practices. But for years Fed- eral regulators have not taken up that task. Instead, they stood largely by si- lently while deceptive and unfair prac- tices became entrenched in the credit card industry. The Federal Reserve, in particular, charged with issuing credit card regulations, failed to take action until congressional hearings and public hearings put the administration under forced action on credit card abuses.

Six months ago, the Federal Reserve and other bank regulators finally acted, issuing a regulation last December to stop unfair prac- tices. For example, the new regulation prohibits banks from retroactively raising interest rates on cardholders who meet their obligations, requires banks to mail credit card bills at least 21 days before the payment due date, and forces banks to more fairly apply consumer payments.

The Dodd-Levin bill, as introduced, banned each of these unfair practices that were still allowed by the Federal Reserve rules. The substitute introduced today would not go as far as the Dodd-Levin bill, but offers a good compromise with strong consumer protections that ought to attract widespread support in the Senate. The substitute introduced today would also provide a statutory foundation for ending unfair practices in Credit Cards Act. I am pleased that at that time we had so many colleagues here today.

Senator DODD already outlined most of the important provisions in the CARD Act. I want to highlight three provisions that I believe are critical to delivering relief to American families and returning common sense to the credit card business.

First, the bill will prohibit interest charges on any portion of a credit card debt which the cardholder paid on time during a grace period. Virtually all credit cards provide a grace period, so called, in which a credit card debt can be paid without interest charges. But what most people don’t realize is that the credit card industry restricts this grace period to people who pay off their entire balance in full. If a cardholder repays only part of the balance during the grace period, even though it is more than the minimum amount, the issuer charges interest on the entire balance—even the portion that was repaid on time.

In 2006, Americans used 700 million credit cards to buy about $2 trillion in goods and services. The average family has five credit cards. Credit cards are being used to pay for groceries, mort- gage payments, and even taxes. And they are saddling U.S. consumers, from the smallest begins with a mountain of debt. The latest figures show that U.S. credit card debt is now approaching a trillion dollars. Credit cardholders are routinely being sub- jected to unfair practices that squeeze them further and further into debt.

I strongly commend Senator DODD, chairman of the Banking Committee, for taking action to move our credit card bill through the committee, de- spite some opposition. I also commend Senator SHELBY for joining him in this substitute. Now is the time for the full Senate to act so that we can then re- solve any differences with the House, and send the bill to President Obama, who has said he is ready to sign credit card legislation.

For years now, we have been combating abusive credit card practices on our Permanent Subcommittee on In- vestigations, which I chair. The sub- committee held two investigative hear- ings in 2007, exposing those practices. I introduced legislation that same year, S. 1395, the Stop Unfair Credit Prac- tices in Credit Cards Act. I am pleased that at that time we had so many colleagues here today.

Under this bill, card issuers will no longer be able to charge higher rates on cards that were paid on time, and then unilaterally jacking up the interest rate after the money is owing. Our bill doesn’t restrict fair lending; it only af- fects credit card companies that engage in irresponsible lending practices that bury people unfairly in debt, the sort of debt that the companies often don’t even expect to fully recover, but profit from nonetheless, through the extraction of fees and interest.

Some say that it is the role of reg- ulators, not Congress, to combat unfair lending practices. But for years Fed- eral regulators have not taken up that
bills late. That policy is unfair, counterintuitive, and it is unknown to a vast majority of cardholders who pay the added interest. The CARD Act will return a commonsense interpretation of the grace period and simply prohibit the charging of interest on debt that is paid on time.

Another key provision would limit the circumstances under which a credit card company can hike the interest rate applicable to a cardholder’s existing debt. Right now, credit card companies are the only type of loan I know of whose terms can be unilaterally changed after the loan is incurred. Even in the toughest market conditions, for example, car companies cannot increase the interest rate on a car loan, even if a borrower pays late. The credit card companies can unilaterally hike a cardholder’s interest rate at any time, for just about any reason, or no reason at all. This patently unfair practice violates accepted practices in the lending field outside of credit cards, and the bill will put an end to that. The substitute will ban retroactive rate hikes for existing balances except in limited circumstances, the most important of which is that it would ban such interest hikes for cardholders who pay on time and would allow them only for cardholders who pay more than 60 days late. Even then, it will require banks to restore the prior lower rate if the cardholder follows with 6 months of on-time payments. While our Dodd-Levin bill would have gone even further and banned retroactive rate hikes, period, the substitute offers a reasonable compromise that will provide greater protection in this area than the Federal Reserve regulation, or the House bill, both of which would allow retroactive interest rate hikes if a person paid more than 30 days late.

Finally, while the substitute before us does not go as far as our Dodd-Levin bill does for universal default, the substitute does place important limits on how card companies can raise rates when cardholders have met their obligations and pay their credit card bills on time. Right now, credit card companies can unilaterally hike a cardholder’s interest rate if the company receives information indicating that the cardholder is an increased risk of not paying his or her debts, even if the cardholder has a years-long record of on-time payments and has never paid a bill late to that company. The companies can apply the new higher rate to the cardholder’s existing debt, as well as future debt.

The substitute would put an end to that practice as it applies to existing balances. It provides that if a cardholder meets the obligation of the card agreement by paying on time and staying under the credit limit, the credit card company must hold its end of the bargain and honor the terms of the agreement. If a card issuer wants to raise the interest rate applicable to the cardholder’s existing debt, the substitute would, however, allow the credit card company to increase the interest rate applicable to future debt—meaning debt not yet incurred. In addition, under the substitute, if a card company increased an interest rate on a cardholder because of credit risk, or default, the company would be required to review the increase after 6 months and reverse it if conditions warrant. While my preference would be to prohibit unilateral rate increases entirely, the compromise is a significant step forward toward a reform of this law. It would ban unilateral interest rate hikes on existing debt for consumers who pay by the rules.

To understand why these protections are needed, here are some examples of the credit card abuses we uncovered and some of the stories that American consumers shared with us during the course of the inquiries carried out by my Permanent Subcommittee on Investigations.

The first case history we examined illustrates the fact that major credit card issuers today impose a host of fees on their cardholders, including late fees and over-the-limit fees that are not only exorbitant, but that can contribute to years of debt for families unable to immediately pay them. Wesley Wannemacher of Lima, OH, testified at our March 2007 hearing. In 2001 and 2002, Mr. Wannemacher used a new credit card to pay for expenses mostly related to his wedding. He charged a total of about $3,200, which exceeded the card’s credit limit by $200. He spent the next 6 years trying to pay off the balance of about $1,000 per year. As of February 2007, he had paid about $6,300 on his $3,200 debt, but his billing statement showed he still owed $4,400.

How is it possible that a man pays $6,300 on a $3,200 credit card debt, but still owes $4,400? Here’s how. On top of the $3,200 debt, Mr. Wannemacher was charged by the credit card issuer about $1,100 in late fees, $1,500 in over-the-limit fees, and about $4,900 in interest. The over-the-limit fees were charged each time the account balance was over the $4,000 limit. Mr. Wannemacher said he never had a balance over the $4,000 limit. From 1993 to 1996, he exceeded his limit again, on several occasions, due to interest and fee charges. He stopped making purchases on the credit card in 1995.

In 1996, Mr. McClune’s credit card account was purchased by Chase Bank. In 1998, Mr. McClune asked Chase to close the account, and Chase did so. Although he never made a single purchase on his credit card while the account was with Chase, Chase repeatedly increased the interest rate on his account, including after the account was closed. In 2002, for example, his interest rate was about 21 percent; by October 2005, it had climbed to 29.99 percent where it remained for more than two years until March 2008. It then dropped slightly to 29.24 percent. The higher interest rates were applied retroactively to Mr. McClune’s closed account balance, increasing the size of his minimum payments and his overall debt.

Chase also assessed Mr. McClune repeated over-the-limit and late fees, which began at $23 and increased over time to $39 per fee. Chase cannot locate the fees it charged for Mr. McClune’s account prior to February 2001, so there is no record of all the fees he has paid. The records in existence show that, since February 2001, he has paid 64 over-the-limit fees totaling $2,200. Those fees started after the March hearing before my subcommittee, in which Chase promised to stop charging more than three over-the-limit fees for a single violation of a credit card limit. In addition to the 64 over-the-limit fees, since February 2001, Chase has charged Mr. McClune nearly $2,000 in late fees.

The records also show that since 2001, Mr. McClune was contacted on several
occasions by Chase representatives seeking payment on his account. If he agreed to make a payment over the telephone, Chase charged him—without notifying him at the time—a fee of $12 to $15 per telephone payment. When asked about this fee, Chase told the subcommittee that the fee is imposed, because on each occasion Mr. McClune had spoken with a “live advisor.” Since 2001, he has paid a total of $100 in these pay-to-pay fees.

Also in 2001, Mr. McClune has paid nearly $4,400 in fees on a debt of less than $4,000. If the more than 4 years of missing credit card bills were available from 1996 to 2000, this fee total would be even higher. In addition, each fee was added to Mr. McClune’s outstanding credit card balance, and Chase charged him interest on the fee amounts, thereby increasing his debt by thousands of additional dollars.

In February 2001, Chase records show that Mr. McClune’s credit card debt totaled nearly $15,800. For the next 3 years, although he did not pay every month, Mr. McClune paid nearly $2,000 per year toward his credit card debt, but was unable to pay it off. At one time, he paid $150 every 2 weeks for several payment cycles until bringing his debt under the $4,000 credit limit, or reduce his interest rate.

In January 2007, Mr. McClune received a letter from Chase stating that if he made his next payment on time, he would receive a 15% credit on his debt. Mr. McClune cashed out his IRA and paid $4,000 on his credit card debt. Because he made this payment in February, however, he did not receive the $50 credit for an on-time payment. Instead, he was assessed a $39 late fee, a $50 credit for an on-time payment, and a $14.95 pay-to-pay fee for making the $4,000 payment over the telephone.

Mr. McClune was never offered a payment plan or a reduced interest rate by Chase for his delinquent account. His credit card bills show that from February 2001 to June 2008, he paid Chase a total of $15,800. If the 4 years of missing credit card bills from 1996 to 2000 were available, his total payments would likely exceed $20,000. In June 2008, his credit card bill showed he was charged 29 percent interest and a $39 late fee on a balance of $3,300.

How could Mr. McClune pay $15,000 to $20,000 on credit card purchases of less than $100 during that same year, Janet Wannamacher who had years-long records of paying their credit card bills on time, staying below their credit limits, and paying at least the minimum amount due, were nevertheless socked with substantial interest rate increases. Some saw their credit card interest rates double or even triple. At the hearing, three consumers described this experience.

Janet Hard of Freeland, MI, had accrued over $8,000 in debt on her Discover card. Although she paid each payment on time and paid at least the minimum due for over 2 years, Discover increased her interest rate from 18 percent to 24 percent in 2006. At the same time, Discover applied the 24 percent rate retroactively to her existing credit card debt, increasing her minimum payments and increasing the amount that went to finance charges instead of the principal debt. The result was that, despite making steady payments totaling $2,400 in 12 months and paying more than $100 during that same year, Janet Hard’s credit card debt went down by only $350. Sky-high interest charges,
inexplicably increased and unfairly applied, ate up most of her payments.

Millard Glasshof of Milwaukee, WI, a retired senior citizen on a fixed income, incurred a debt of about $5,000 on his Chase credit card, closed the account, and faithfully paid down his debt with a regular monthly payment of $119 for years. In December 2006, Chase increased his interest rate from 15 percent to 17 percent and in February 2007, hiked it again to 27 percent. Retractive application of the 27 percent rate to Mr. Glasshof’s existing debt meant that, out of his $119 payment, about $114 went to pay finance charges and only $5 went to reducing his principal debt. Despite his making payments totaling $1,300 over 12 months, Mr. Glasshof found that, due to high interest rates and excessive fees, his credit card debt did not go down at all. Later, after the subcommittee asked about his account, Chase suddenly lowered the interest rate to 8 percent. That meant, over a 1-year period, Chase had applied four different interest rates to his closed credit card account: 15 percent, 17 percent, 27 percent and 6 percent, which shows how arbitrary those rates are.

There is Bonnie Rushing of Naples, FL. For years, she had paid her Bank of America credit card on time, providing at least the minimum amount specified on her bills. Despite her record of on-time payments, in 2007, Bank of America nearly tripled her interest rate from 8 to 23 percent. The Bank said that it took this sudden action because Ms. Rushing’s credit score had dropped. When we looked into why it had dropped, it was apparently because she had taken out Macy’s and J. Jill credit cards to get discounts on purchases. Despite paying both bills on time and in full, the automated credit scoring system run by the Fair Issac Corporation had lowered her credit score. Bank of America had followed suit by raising her interest rate by a factor of three. Ms. Rushing closed her account and complained to the Florida attorney general, my Subcommittee, and her card sponsor, the American Automobile Association. Bank of America eventually restored the 8 percent rate on her closed account.

In addition to these three consumers who testified at the hearing, the Subcommittee has heard the case histories of five other consumers who experienced substantial interest rate increases despite complying with their credit card agreements.

I would also like to note that, in each of these cases, the credit card issuer told our Subcommittee that the cardholder had been given a chance to opt out of the increased interest rate by closing their account and paying off their debt at the prior rate. But each of these cardholders denied receiving an opt-out notice, were told to close their account and pay their debt at the prior rate, they were told they had missed the opt-out deadline and had no choice but to pay the higher rate. Our subcommittee examined copies of the opt-out notices that the companies claimed to have sent, and found that some were filled with legal jargon, were hard to understand, and contained procedures that were hard to follow. When we asked the major credit card issuers what percentage of persons offered an opt-out actually took it, they told the Subcommittee that 90 percent did not opt out of the higher interest rate—a percentage that is contrary to all the compelling evidence that current opt-out procedures do not provide fair notice.

The case histories presented at our hearings illustrate only a small portion of the abusive credit card practices going on today. Since early 2007, our subcommittee has received letters and emails from thousands of credit cardholders describing sometimes unbelievable credit card practices and asking for help to stop it. These are more complaints than we have received in any other line of business. We have conducted in that subcommittee, or an earlier subcommittee which I chaired, in more than 30 years now in Congress.

The complaints stretch across all income levels, all ages, and all areas of the country.

The bottom line is that these abuses have gone on for far too long. In fact, these practices have been around for so many years that they have, in many cases, become the industry norm. Our investigations have shown that many of the practices are too entrenched, too profitable, and too immune to consumer pressures for us to have confidence that the companies will change them on their own. For these reasons, I hope our colleagues will pass the substitute before us. It is time to return common sense, responsibility, and fairness to the credit card industry.

With thanks and gratitude to the leaders in the Banking Committee, Senators DODD and SHELBY, for the initiative they have taken and the courage they are showing in taking on some very difficult and entrenched practices.

With that, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

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

RENEWABLE ENERGY PERMITTING ACT

Mr. REID. Madam President, I am proud to once again have joined my friend, Senator Ensign, in introducing legislation that is good for Nevada and will help create jobs and contribute to rebuilding Nevada’s economy.

The Federal Government owns 87 percent of Nevada’s land. Nevada reaps tremendous benefits from this land—we have some of the most scenic areas and clearest skies in the country. This land is also blessed with some of the most valuable clean energy resources America has to offer—these resources alone could power the entire Nation with the right investments in our transmission grid.

I could not be prouder that President Obama and Secretary Salazar are committed to using our public lands to develop solar, wind, geothermal and biomass energy resources, and without harming sensitive areas. A week ago Saturday, Secretary Salazar came to Nevada to announce over $26 million in Renewable Energy Funding for a large portion for expediting renewable energy projects on BLM land. This commitment is invaluable to Nevada’s future as the Nation’s leader in clean renewable energy.

To continue helping this very effort and to ensure that solar and wind projects on Federal land provide maximum value to the State, Senator Ensign and I have introduced the Renewable Energy Permitting Act, REPA. This legislation is very similar to provisions I included in the Clean Renewable Energy and Economic Development Act, S. 539, that I introduced in March of this year.

REPA will help solar and wind projects receive BLM approval more quickly so these projects can begin generating clean energy and creating jobs sooner, rather than later and sustainable economic development opportunities.

It will also set aside a portion of the rental fees that are collected by the Government for the use of Federal lands by providing 50 percent of these revenues to the State and 25 percent to the county in which a project is located. Additionally, 20 percent will be placed into a renewable energy permit processing improvement fund for Nevada, Wyoming, Arizona, and California. The last 5 percent will be responsibly set aside to augment the restoration and reclamation that will be required and when these facilities are removed from our public lands. Portions of this money will also be available to acquire and protect other sensitive lands. This is an important step since, during the operation of these beneficial renewable energy facilities, millions of acres of public lands could be affected and could mean hundreds of thousands of acres of incredible open space and wildlife habitats.

The PRESIDING OFFICER. Mr. Ensign.

The PRESIDING OFFICER. The time has expired.

Senator Ensign is recognized.

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

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

The PRESIDING OFFICER. The time has expired.

Senator Ensign is recognized.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
SILVER STAR RECIPIENTS

Mr. DORGAN. Madam President, on Thursday I was privileged to host a bipartisan lunch of the Senate Democratic and Republican policy committees, for a number of Green Berets who earned the Silver Star for extraordinary bravery in combat operations in Afghanistan. These are true American heroes, and their actions were in the proudest traditions of our Armed Forces in general, and of our Special Forces in particular.

On April 6, 2008, this team’s mission was to capture or kill several very high-ranking members of the Hezb-e-Islami Gulbuddin, HIG, militant group. The insurgents were in their stronghold, a village nestled in Afghanistan’s Shok Valley that is normally accessible only by pack mule.

During a harrowing, nearly 7-hour battle on a mountainside, this team and a few dozen Afghan commandos they had trained took fire from all directions. Outnumbered, the Green Berets fought on even after half of them were wounded—and managed to kill an estimated 150 to 200 enemy fighters.

For their heroism in battle, 10 members of Operational Detachment Alpha 3336 from the 3rd Special Forces Group received the Silver Star, one of the highest awards for valor in the U.S. Military. This was the highest number of such awards for a single engagement since the Vietnam war.

The men who earned these Silver Stars were CPT Kyle Walton, SFC Scott Ford, SSG Luis Morales, SSG Seth Howard, SSG Ronald Shurer, SSG John Walding, SSG Dillon Behr, SGT Davis Mathews, SGT Matthew Williams, and SPC Michael Carter.

I will ask to have printed in the RECORD a copy of their Silver Star citations. I will also ask to have printed in the RECORD a copy of a Washington Post report describing the battle on that Afghan mountainside.

Mr. President, as I mentioned earlier, it was our privilege to honor these heroic Green Berets, who were joined at the lunch by SSG Robert Gutierrez, Jr., an Air Force special tactics combat controller who targeted airstrikes during the mission. For his actions, he was awarded the Bronze Star Medal with "V" device for valor.

No words can truly express the depth of our gratitude to these men and all the other members of our Armed Forces who have answered their country’s call.

Madam President, I ask unanimous consent to have the materials to which I referred in the RECORD.

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

(From The Washington Post, Dec. 12, 2008)
10 GREEN BERETS TO RECEIVE SILVER STAR FOR AFGHAN BATTLE

(By Ann Scott Tyson)

After jumping out of helicopters at daybreak onto jagged, ice-covered rocks and into water at an altitude of 10,000 feet, the 12-man Special Forces team scrambled up the steep mountainside toward its target—an insurgent stronghold in northeast Afghanistan.

"Our plan," Capt. Kyle M. Walton recalled in an interview, "was to fight downhill." But as the soldiers maneuvered toward a cluster of thick-walled mud buildings constructed layer upon layer above 1,000 feet farther up the mountain, insurgents quickly manned fighting positions, setting up a barrage of fire for the exposed Green Berets.

A harrowing, nearly seven-hour battle unfolded on that Afghanistan’s Nuristan province on April 6, as Walton, his team and a few dozen Afghan commandos they had trained took fire from all directions. Outnumbered, the Green Berets fought on even after half of them were wounded—four critically—and managed to subdue an estimated 150 to 200 insurgents, according to interviews with several team members and official citations.

Today, Walton and nine of his teammates from Operational Detachment Alpha 3336 of the 3rd Special Forces Group will receive the Silver Star for their heroism in that battle—the highest number of such awards given to elite troops for a single engagement since the Vietnam War.

That chilly morning, Walton’s mind was on his team’s mission: to capture or kill several members of the Hezb-e-Islami Gulbuddin (HIG) militant group in their stronghold, a village nestled in Nuristan’s Shok Valley that was accessible only by pack mule and so remote that Walton said he believed that no U.S. troops, or Soviet ones before them, had ever been there.

But as the soldiers, each carrying 60 to 80 pounds of gear, scaled the mountain, they could already spot insurgents running to all directions. The U.S. troops had maintained an element of surprise until their helicopters turned into the valley, but by now the insurgent leaders knew the American and Afghan troops with machine guns, sniper rifles and rocket-propelled grenades were among them. Tense fire, including rocket-propelled grenades at the windows from which they were taking fire, while Howard shot rounds from a rocket launcher and recoilless rifle.

Ford, of Athens, Ohio, then moved up the mountain amid withering fire to aid Walton at his command position. The ferocity of the fighting forced Ford to leave about half of his team behind and retreat with their stricken comrade nearly every time he stuck his head out from behind a rock. Typically they run out of ammo or start to manage their ammo, but they held a sustained rate of fire for about six hours," he said.

As Ford and Staff Sgt. John Wayne Walding returned fire, Walding was hit below the knee, but he fell and dragged himself to a February’s hill and put it in my crotch, then got the boot laces and tied it to my thigh, so it would not flop around. There were literally a dozen rounds in the leg of his pants, he said.

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As Ford and Staff Sgt. John Wayne Walding returned fire, Walding was hit below the knee, but he fell and dragged himself to a February’s hill and put it in my crotch, then got the boot laces and tied it to my thigh, so it would not flop around. There were literally a dozen rounds in the leg of his pants, he said.
close,” Howard said, allowing the soldiers to get away.

Finally, after hours of fighting, the troops made their way down to the streambed, with those who could walk carrying the wounded. A medical evacuation helicopter flew in, but the rotors were immediately hit by bullets, so the medevac was not hovered just far enough to allow the in-flight medic to jump off, then flew away.

A second helicopter came in but had to land in the middle of the icy, fast-moving stream. “It took two to three guys to carry each casualty through the river,” Ford said. “It was the most backbreaking work.” As they sat on the helicopter, it sustained several rounds of fire, and the pilot was grazed by a bullet.

By the time the battle ended, the Green Berets and the commandos had suffered 15 wounded and two killed, both Afghans, while an estimated 150 to 200 insurgents were dead, according to an unofficial tally of the casualties.

“For a couple of hours we’d run out of ammunition, with each having one to two magazines left,” Ford said. “We should not have lived,” said Walding, reflecting on the battle in a phone interview from Fort Bragg, N.C., where he and the nine other Special Forces soldiers received the Silver Star.

Nine more Green Berets from the 3rd Special Forces Group will also receive Silver Stars for their actions during the battle, and it is estimated that 150 to 200 insurgents were dead, reflecting a battle in which a combination of fire and maneuver allowed the in-flight medic to jump off, then fly away.

In the six-hour firefight, Master Sergeant Ford’s actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, and the United States Army.

MASTER SERGEANT SCOTT E. FORD, UNITED STATES ARMY
FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Junior Weapons Sergeant, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force–33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. Master Sergeant Ford exposed himself to enemy fire in order to provide precision fire against insurgent fighting positions. Master Sergeant Ford, although injured, never stopped leading his men and continued to organize forces to assist his comrades until he was physically incapable of fighting. Master Sergeant Ford’s actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

STAFF SERGEANT LUIGI G. MORALES, UNITED STATES ARMY
FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Intelligence Sergeant, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force–33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. Staff Sergeant Morales actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

STAFF SERGEANT JOHN W. WALDING, UNITED STATES ARMY
FOR GALLANTRY

in action on 6 April 2008, while serving as Senior Communications Sergeant, Special Forces Operational Detachment Alpha, Special Operations Task Force–33, in support of Operation Enduring Freedom. Sergeant Walding acted without regard for his personal safety in an ambush assault element up over 500 meters of uphill terrain under intense enemy fire in order to reinforce his detachment’s beleaguered position. Once reaching the position, he was critically wounded by sniper fire, but continued to lay down suppressing fire so his unit could organize casualty retrieval. His extreme courage and selfless devotion to his fellow Soldiers inspired his unit to continue to fight against overwhelming odds until relief arrived. Sergeant Walding’s actions are in keeping with the finest traditions of military service and reflect great credit upon himself, the Combined Joint Special Operations Task Force–Afghanistan, and the United States Army.

STAFF SERGEANT DILLON L. BEHR, UNITED STATES ARMY
FOR GALLANTRY

in action on 6 April 2008, while serving as a communications sergeant, Special Forces Operational Detachment Alpha, Special Operations Task Force–33, in support of Operation Enduring Freedom. After insurgent forces ambushed his combined raid element, Sergeant Behr acted with total disregard for his own safety as he held his position as bullets impacted within inches of him, even after sustaining a life-threatening wound to his leg and later after receiving a second critical wound. Over the course of the more-than-six-hour battle, Staff Sergeant Behr continued to engage and kill multiple enemy combatants until he was finally capable of holding his weapon. His tremendous courage and selfless devotion to his fellow Soldiers inspired his unit to continue to fight against overwhelming odds until relief arrived. Staff Sergeant Behr’s actions are in keeping with the finest traditions of military service and reflect great credit upon himself, the Combined Joint Special Operations Task Force–Afghanistan, and the United States Army.

STAFF SERGEANT MATTHEW O. WILLIAMS, UNITED STATES ARMY
FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Weapons Sergeant, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force–33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. His actions directly attributed to the suppression of enemy combatants. Sergeant Williams’ actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force–Afghanistan, Special Operations Command Central, and the United States Army.

STAFF SERGEANT RONALD J. SHURER, UNITED STATES ARMY
FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Combat Cameraman, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force–33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. Specialist Shurer’s actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force–Afghanistan, Special Operations Command Central, and the United States Army.

CAPTAIN KYLIE M. WALTON, UNITED STATES ARMY
FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as the Team Commander, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force–33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. Specialist Walton’s leadership and bravery inspired his unit to continue to maintain effective command and control of five different maneuver elements while repeatedly engaging enemy combatants. His actions directly contributed to saving the lives of United States and Afghan Soldiers. Captain Walton’s leadership and bravery inspired his unit to continue to maintain effective command and control of five different maneuver elements while repeatedly engaging enemy combatants. His actions directly contributed to saving the lives of United States and Afghan Soldiers.

STAFF SERGEANT DAVID J. SANDERS, UNITED STATES ARMY
FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Engineer Sergeant, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force–33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. Specialist Sanders’ actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force–Afghanistan, Special Operations Command Central, and the United States Army.
His career in professional football dem-
onstrates the value of persistence, self-
confidence, and courage. Jack began his
football career slowly and without
much success. However, he was fiercely
competitive and eventually led the
Buffalo Bills to 33 victories and 2
AFL championships. He was selected
All-League quarterback, AFL Player of
the Year, Most Valuable Player, and
appeared in five AFL championship
games and seven AFL All-Star games.
Jack was also recognized by Sporting
News as one of the greatest backfields
of all time. Sports taught him that the
only real failure is not trying again
and that out of adversity comes
strength, determination, and ultimate
courage.

When asked if being a football star
helped him get elected to Congress,
Jack responded, “Yes, to the extent
that I had name recognition and people
who knew I was. That kind of identi-
cation cuts two ways. On the one
hand, it was harmful because some peo-
ple considered football to be anti-
intellectual and an inadequate
training ground for political lead-
ership. To the contrary, I believe pro
football is great training for leader-
ship. In fact, I hope more athletes
choose politics as a profession, or
so that we don’t leave the field to
attorneys.”

Jack made the transition from ath-
lete to politician in 1971, when he was
selected to represent the 31st Congres-
sional District of New York. He was
an immediate success, especially when
the topic was tax revision, and was
once told he talks “as though some-
body had pulled the trigger of a
machine gun.” I can certainly attest to
that. However, it wasn’t the way Jack
talked that had everyone’s attention;
it was what he was saying. I would dare
to say that had everyone’s attention;
I would dare argue that much of what he was fight-
ing for in the seventies and eighties
still holds true today. For example,
Jack argued that the U.S. Government
should expand international leadership by becoming “an
active exporter of the American idea.”
In his view, the “greatest weapon in
our arsenal is the prospect of general
well-being that results from the em-
brace of American ideas about oppor-
tunity, initiative, and enterprise.”

During his time as Congressman,
Jack was probably best known as a
champion of tax cuts. He became a fer-
vent supply-side evangelist who be-
thought that what he did not only
spur economic growth but also bring in
more revenue for the Government.
Jack coauthored the Kemp-Roth
tax bill, which became the blueprint for
what became known as “Reagan-
omics.” Jack referred to his com-
prehensive Federal tax-cut package as
“the number one offensive play in the
country.” Reagan biographer Lou Can-
non said Jack, as much as anybody,
helped persuade Reagan to embrace an eco-
nomic policy of supply-side econom-
ics, stimulating economic growth
through reducing taxes.

“Generally speaking,” Jack said, “if
you tax something, you get less of it. If
you subsidize something, you get more
of it. In America, we tax work, growth,
invest, employment, savings, and
productivity. We subsidize nonworking,
consumption, welfare, and debt.” How
true that is.

Jack served as a Congressman for 18
years, until 1988 when he became the
U.S. Secretary of Housing and Urban
Development under President George
H.W. Bush. Jack was the author of the
Estate Zone legislation to promote
entrepreneurship and job creation
in urban America and continued to ad-
vocate the expansion of home owner-
ship among the poor through resident
management and ownership of public
and subsidized housing.

Jack received the Republican Party’s
nomination for Vice President in Au-
gust of 1996 and afterward continued a
career of public service by campaigning
nationally to reform the tax system,
Social Security, and education.

Jack was always uplifting and opti-
mistic. He consistently distinguished
himself by exhibiting the rare ability
to see real opportunity in the seem-
ingly mundane. He seized those oppor-
tunities to demonstrate qualities of
judgment, character, and commitment.
Jack once said, “I do not believe there
is any future for the Republican Party
in trying to defeat Democrats. You
don’t run to fight Democrats. You
run to promote ideas. Ideas are what rule
the world. We, the Republicans,
haven’t been offering an alternative.
We need more positive ideas.”

When asked about his political
ideals, Jack was quick to reply; “After
going into the highly competitive busi-
ness of pro football, I gained an even
deeper appreciation of the competitive
free-enterprise system to which this
country owes its past, present, and
future. The ‘greatest weapon in our
arsenal is the prospect of general
well-being that results from the em-
brace of American ideas about oppor-
tunity, initiative, and enterprise’.”

REMEMBERING JACK KEMP

Mr. HATCH. Madam President, I wish
to pay tribute to a great American and
friend, former Congressman Jack Kemp.
I was deeply saddened to learn of his
passing and offer my sincerest
condolences to his sweet wife Joanne;
and 17 grandchildren. Jack has left a
lasting im-

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heart-breaking and troubling. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail I have received through this additional attachment specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only highlight the difficulties they are facing daily, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to add today’s letters printed in the RECORD.

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

My husband and I live in Grand View on a cowboy’s wages plus my disability. We were having a hard time just making it because of my medical bills. Now, with the cost of fuel, I have had to cut back on how many visits I make to hospital. I have to keep up a huge drug budget just getting to Mountain Home to buy the few groceries that we can afford, let alone go to Boise every month. We have horses to feed so our hay costs have more than doubled and the idea of just letting them loose on the desert is abhorrent to us. There are lots of people doing that because they cannot afford the fuel anymore.

You know what is really sad? It is sad that all of these prices are based upon what might happen. A hurricane might hit the Gulf. I watch the market and wonder if we will have to pay more. I have been paying more when there is a shortage or cost is high, but why is it that in July/Aug we are being punished for what might happen in November? Maybe these people spend a year living off a cowboys’ wages before they are allowed to make decisions that affect people they have nothing in common with.

Kim and Lisa.

Mr. CRAPO. My view

No thanks to all of the Oil Companies.

1. The oil and gas hedge and speculation have impaired the logical pricing soundness of gasoline and diesel oil, now causing all wholesale and retail price of goods and services to rise.电视, and are the man and money invested in the national economy used in the economic activity through the business establishments as energy in and for mobility.

2. This mobility is the time and motion factor to create productivity and profitability through transportation and distribution in the gathering and production and supply within the GNP.

3. This use correlated to the employment of money capital and mankind capital used in credit business revenue through sales that maintains the national economy, and provides the base for the ultimate consumer for all of the desires and demands put on it and is the base for private side revenue.

4. Private side revenue from money capital labor and mankind labor to be taxed by direct and indirect taxes for the revenue to maintain government for all desires and demands put upon it.

5. The government sector through the private and collective profit and loss enterprises, the maximum employment, maximum income, maximum spending thus maximum sales through all the profit and loss sheets to generate revenue through sales operation to tax and for cost and expenses, profit, earnings and income.

6. [This will all combine to] destroy the United States of America, [simply by] consuming the very thing that gives the people the wherewithal by working the nation’s capital to produce a viable national economy to support the entire business in the private sector and the government sector.

7. We the people have given you trillions of dollars in money, subsidies, and [yet Congress has not acted to resolve the problem].

A. This has put the economy in disarray, and capital through instability is not now productive enough to generate economic activity through all of the profit and loss sheets, to generate revenue to be taxed to provide tax breaks (for oil companies), along with all of the government operations (federal, city, county, states) for things the people cannot afford individually, only collectively. The people also cannot afford for FEMA, the military, food, fire protection, police protection, education, weather, all and any government agency to operate and be paid for due to the inefficacy, lack of productivity within thru GNP through the economic system.

B. The people are not addicted to fuel as energy (gasoline and diesel); the people are dependent upon fuel (gasoline and diesel) to maximize productivity through mobility of energy, used in a completely different function within the GNP by the economic system for the purpose of and function from wind power, coal, oil for electrical power generation, yet dependent.

D. The oil companies will destroy this nation’s economic system and the nation itself by their glut pricing for profits as the use of oil in the economic system is for mobility creating productivity for money capital, mankind labor capital for revenue from sales to create and maintain income for profits.

E. The use of oil in plant and equipment and mobility for production and supply are two separate entities but dependent upon each other as sales alone are.

The national economy depends upon stability and responsibility and is relative to geographical location, environment, resources, man and money invested in the domestic economy. (One P&L sheet to generate taxes will not pay government debt, it takes a collective million and more though the GNP.)

“1929” “The Starvation, the silent factories, the goods thrown away, the men standing idle, were the result of irresponsible human financial and economic activities.”

“The whole class of people living on investments with fixed interest and annuities were previouly dependent on wages and the wages were those of the non-entitled laborers, the goods thrown away, the men standing idle, were the result of irresponsible human financial and economic activities.”

“A nation that cannot feed itself, maintain physical health and mental health and strength through the labor of capital and mankind for its survival of its people, maintain the economic system through all of the collective profit and loss sheets of Private enterprise is at a great disadvantage in social and economic stability in the International power field.

John Emmett.

[P.S.] Sales create revenue.

The national economy is what pays the nation’s way, its government’s way and debt through and by the people in the private sector through the collective profit and loss sheets of the Entrepreneurial interest. GNP is not a Perpetual Motion Machine: one has to work in order to have work done: thus motive power.

1. The GNP is what the people produce as durables, non durables and service. (PRIME): The left-hand side is the supply side WORK: (=y + x + y), dependent upon mobility for productivity: This creating employment and income in the process of production, producing the Economic Goods or Service to satisfy human wants or creating production object. When you put people to work one automatically puts money to work.

2. The GNP is the economic system for the purpose of and function from wind power, coal, oil for electrical power generation, yet dependent.

x + y = x + y, dependent upon mobility for productivity is the right-hand side and is the consumption side WORK DONE; = x + y, left-hand side and right-hand side reciprocating within the GNP through all of the collective Profit and Loss sheets from the – X
The price of fuel has been affecting my family tremendously. I am currently enrolled in college and live about 30 miles from my school. I have to live here because living in a college town means the price of the home is considerably too high. I drive 30 miles a day, and spend at least $20 a week on gas for my vehicle alone. I am married and my spouse is in a carpenter’s union. This requires him to drive to wherever the employment is, which can be far away. We have never had to reach my hand out for help before. My family believes in taking care of their own selves. We have gone on becoming more and more of an option. I do not have a solution, but something needs to be done. Thank you for your time.

Diane.

Thank you for your newsletter regarding the earmarks. I do believe that we need to cut the wasteful spending, and that we are [frustrated with the inaction from Congress], and those of us in Idaho recognize how much harder this makes your work which you so greatly appreciate.

Regarding the impact of gasoline prices upon me: I am a retired widow living on my Social Security income. As to my driving habits, fuel has practically come to a standstill. My car sits for days at a time, not driven due to the cost of gasoline, driven only for necessities. My tracking of the daily oil commodity prices does not paint a pretty picture.

Then there [are politicians who do] not favor drilling in ANWR or offshore. I agree with you that we must do all the things possible to provide sufficient energy for our own use. To think that Americans historically are known for innovation, one wonders: “What has become of our ingenuity?” Is it politics as usual? Those more astute than I will figure out how to handle the problem of drilling for oil, the building of nuclear power facilities, the construction of windmills, the development of biofuels, the use of oil shale. The use of corn for ethanol is one of the crazier ideas put forth. Anyone suggesting penalizing oil companies or suggesting that they are making obscene profits needs to look into the amount of taxes paid on gasoline. The lack of understanding by some of business economics is sad. Stop putting restrictive company policies in place that they can proceed without government red tape. Work with, not against, companies to proceed post haste.

There is no question that America cannot move forward with programs to make us energy self-sufficient. It is embarrassing to read that Prance has nuclear power while we are sitting on our hands. It is upsetting to read that foreign countries have leases to drill for oil in the Gulf of Mexico. It is mind-boggling to hear people say that this is part of a Third World nation. I am proud of my country but I am disgusted with [partisan politics]. It would seem that earmarks come ahead of right for our own citizens.

Needless to say, the energy problem has impacted our food prices. This makes it hard for those of us on limited income. Families with children should not be limited when it comes to buying food for growing children.

In closing, we are at the crossroads of history. We can choose to arm ourselves and at some point in time to be self-sufficient in energy. We cannot wait any longer. We must proceed post haste.

Gary, Meridian.
TRIBUTE TO HERBERT BRUCE CLEVELAND

Mr. JOHNSON. Madam President, I wish today to recognize Herbert Bruce Cleveland of Rapid City, SD, on the occasion of his 50th anniversary of ordination in the Lutheran ministry. Herb has developed a distinguished career in the ministry, both as a local pastor ministering to the needs of South Dakota veterans dating back to the 1950s and on a national level, having been appointed to numerous capacities in the Department of Veterans Affairs by three Presidents.

Born in North Dakota and a graduate of the University of North Dakota and University of Michigan, Herb joined the U.S. Army in October 1952 and completed various statewide and international duty assignments. Shortly after becoming ordained as a Lutheran pastor, Herb came to western South Dakota in 1959 and immediately developed a close working relationship with the veterans hospital at Rapid City, SD. He served veterans at the VA Hospital in a full-time capacity in the early 1960s, and worked to educate and assist in youth and community events and fundraisers. In 1983, the Veterans Administration established new leadership at the national VA system.

As national VA chaplain, Herb and his wife Connie participated in the international exchange of choral and symphonic music, which helped foster better cultural and artistic understanding among numerous nations. Herb would oversee the largest single trip of a choir of 150 voices that accompanied the national VA symphony that performed with the Russian Army Chorus in Moscow and St. Petersburg on the first such event by a foreign nation.

Chaplain Cleveland was then appointed by President Bill Clinton as Director of Ethics for Health Care Management, where he would continue to address the health and faith challenges and issues affecting our Nation’s veterans.

After a decade of valued service in Washington, DC, Chaplain Cleveland and his wife returned to South Dakota in retirement. As a volunteer, Herb continues to service funerals, memorial services, weddings, and reunions. During 3 years of peak deployment to Iraq and Afghanistan, Herb served as chaplain to the National Guard and Army Reserve cadets at the Fort Meade officers training facility.

Also in retirement, he has established mission tours to Southeast Asia with trips to China, Korea, Japan, Thailand, Laos, Vietnam, and Myanmar. These people-to-people visits emphasize and foster understanding of different cultures. He was recognized by the president of Payap University in Thailand with the Distinguished Alumnus Award for his missionary work. This award is among numerous important recognitions for Chaplain Cleveland. These honors include the Point of Light Award from President George H. W. Bush for his work with homeless veterans; the Exceptional Service Award from the VA Secretary for serving the veterans; the National Black Chaplains of America Award for Exceptional Service to America’s veterans, and he was nominated by Coretta Scott King to serve on the National Steering Committee for Chaplains at the Martin Luther King, Jr., Center in Atlanta in 1986. He also received the ELCA Award for Exceptional Service while serving the Lutheran Church and the Chaplaincy in America. His most recent honor was notification of induction into the South Dakota Hall of Fame with ceremonies this September.

Over the years, Chaplain Cleveland has maintained a steadfast commitment to his faith and God and has continued to fulfill a lifelong mission to address the emotional and spiritual needs of veterans and their families. He remains firmly rooted in his family and his community and understands the importance of service. I consider myself very fortunate and blessed to have known and worked with him in various endeavors during my years in Congress.

I want to wish Chaplain Cleveland a heartfelt congratulations on the occasion of his 50 years of service in the Lutheran ministry and for his many years of great service to veterans, their families, and to this Nation. I also wish him many more years of continued service in his many endeavors in the Black Hills region.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TRANSMITTING THREE VOLUMES COMPLETING THE BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010: UPDATED SUMMARY TABLES MAY 2009, ANALYTICAL PERSPECTIVES, AND HISTORICAL TABLES—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on the Budget; and Appropriations:

To the Congress of the United States:

I transmit herewith the following volumes, which together complete my Fiscal Year 2010 Budget: Analytical Perspectives, Historical Tables, and Updated Summary Tables.

BARACK OBAMA.


INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 1014. A bill to amend the Water Resources Development Act of 2007 to make
technical corrections to a provision relating to project deauthorizations; to the Committee on Environment and Public Works.

By Mr. BURR (for himself, Mr. BAXTER, and Mr. DURBIN):
S. 1015. A bill to amend title 38, United States Code, to enhance disability compensation for certain disabled veterans with dif-
ficilities in performing tasks and duties while employed.

S. 1016. A bill to amend title 38, United States Code, to modify the commencement of the period of payment of original awards of compensation for veterans who are retired or separated from the Uniformed services for disability; to the Committee on Veterans' Affairs.

By Mr. LANDRIEU:
S. 1017. A bill to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Historical Park in the State of Lou-
siana; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:
S. 1018. A bill to authorize the Secretary of the Interior to enter into an agreement with Northwestern University in Nachtegahls, Louisiana, to construct a cur-
atorial center for the use of Cane River Cre-
ole National Historical Park, the National Center for Preservation Technology and Training, and the University, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:
S. 1019. A bill to amend the Internal Re-
venue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. MIKULSKY (for herself, Mr. BURRIS, Mr. SPECTOR, Mr. DURBIN, Mr. VINOGRADOFF, Mr. INTHOFF, Mr. SCHU-
MER, Mr. BROWNBACK, Mr. LEVIN, and Mr. CARDIN):
S. Res. 139. A resolution commemorating the 20th anniversary of the end of com-

By Mr. LEAHY (for himself, Mr. SES-
IONS, Mr. BINGAMAN, Mr. ROCKE-
FELLER, Mr. KOHL, Mrs. BOXER, Mr. WHITEHOUSE, Mr. FRINGOLD, Mr. KAUFMAN, and Mr. MIRKLEY):
S. Res. 140. A resolution commemorating and acknowledging the dedication and sac-
rifice made by the men and women who have lost their lives while serving as law enforce-
ment and military personnel and to the families and survivors in the United States; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS
S. 211

At the request of Mr. BURR, the names of the Senator from South Caro-
line (Mr. GRAHAM) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 211, a bill to facil-
tate nationwide availability of 2-1-1 telephone service for information and referral on human services and vol-
tunteer services, and for other purposes.

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cospon-
sor of S. 255, a bill to amend the Truth in Lending Act to empower the States to set the maximum annual percentage rate applicable to consumer credit transactions, and for other purposes.

At the request of Mr. BOND, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 259, a bill to establish a grant pro-
gram to provide vision care to children, and for other purposes.

At the request of Mr. GRASSLEY, the name of the Senator from Massachu-
setts (Mr. KERRY) was added as a cospon-
sor of S. 301, a bill to amend title XI of the Social Security Act to pro-

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a co-
sponsor of S. 428, a bill to allow travel between the United States and Cuba.

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a co-
sponsor of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

At the request of Mr. BURR, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New Hampshire (Mr. GREGG), the Senator from Colorado (Mr. UDALL) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spousal rights of military personnel with regard to matters of residency, and for other purposes.

At the request of Mr. UDALL, the name of the Senator from Nevada (Mr. ENSIGN) and the Sen-
ator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

At the request of Mr. COLLINS, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a co-
sponsor of S. 629, a bill to facilitate the part-time reemployment of annuitants, and for other purposes.

At the request of Mr. BAUCUS, the names of the Senator from North Caro-
olina (Mr. BURR) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 632, a bill to amend the Internal Revenue Code of 1986 to re-
quire that the payment of the manufactur-

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. BURRIS) and the Senator from Mis-
issippi (Mr. COCHRAN) were added as cosponsors of S. 645, a bill to amend title 32, United States Code, to modify the definition of "Deferment of expenses under the National Guard Youth Challenge Program.

At the request of Mr. BUNNING, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cospon-
sor of S. 654, a bill to amend title XIX of the Social Security Act to cover physi-

At the request of Mr. BINGAMAN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medi-
care benefits, to eliminate the waiting period for individuals with life-threaten-
ing conditions, and for other pur-

At the request of Mr. JOHANNES, the name of the Senator from Nebraska (Mr. BURK) was added as a co-
sponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in con-
nection with a contingency operation, and for other purposes.

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor
of S. 714, a bill to establish the National Criminal Justice Commission.

S. 717

At the request of Mr. Kennedy, the name of the Senator from Virginia (Mr. Warner) was added as a cosponsor of S. 717, a bill to modernize cancer research services to prevent cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

S. 729

At the request of Mr. Durbin, the name of the Senator from Illinois (Mr. Burris) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 762

At the request of Mrs. Feinstein, the names of the Senator from New York (Mr. Schumer) and the Senator from California (Mrs. Boxer) were added as cosponsors of S. 762, a bill to promote fire safe communities and for other purposes.

S. 763

At the request of Mrs. Feinstein, the names of the Senator from New York (Mr. Schumer) and the Senator from California (Mrs. Boxer) were added as cosponsors of S. 763, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize temporary mortgage and rental payments.

S. 764

At the request of Mrs. Feinstein, the names of the Senator from New York (Mr. Schumer) and the Senator from California (Mrs. Boxer) were added as cosponsors of S. 764, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to increase the maximum amount of assistance to individuals and households.

S. 788

At the request of Ms. Snowe, the name of the Senator from Ohio (Mr. Brown) was added as a cosponsor of S. 788, a bill to prohibit unsolicited mobile text message spam.

S. 801

At the request of Mr. Akaka, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 841

At the request of Mr. Kerry, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 846

At the request of Mr. Durbin, the names of the Senator from North Carolina (Mrs. Hagan), the Senator from Kansas (Mr. Brownback) and the Senator from Michigan (Mr. Levin) were added as cosponsors of S. 846, a bill to award a Congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 870

At the request of Mrs. Lincoln, the name of the Senator from Maine (Ms. Collins) was added as a cosponsor of S. 870, a bill to amend title 38, United States Code, to waive charges for home health aide services and to make home health aide services available to veterans and their dependents.

S. 900

At the request of Mr. Wyden, the name of the Senator from Oregon (Mr. Merkley) was added as a cosponsor of S. 900, a bill to require the establishment of a credit card safety star rating system for the benefit of consumers, and for other purposes.

S. 908

At the request of Mr. Bayh, the names of the Senator from Mississippi (Mr. Wicker), the Senator from South Carolina (Mr. DeMint), the Senator from Georgia (Mr. Chambliss), the Senator from Colorado (Mr. Bennet), the Senator from Wisconsin (Mr. Kohl), the Senator from Idaho (Mr. Craapo) and the Senator from Arkansas (Mr. Pryor) were added as cosponsors of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 909

At the request of Mr. Kennedy, the name of the Senator from Hawaii (Mr. Inouye) and the Senator from Missouri (Mrs. McCaskill) were added as cosponsors of S. 909, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. 935

At the request of Mr. Conrad, the name of the Senator from South Dakota (Mr. Thune) was added as a cosponsor of S. 935, a bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes.

S. 952

At the request of Ms. Snowe, the names of the Senator from Maine (Ms. Collins) and the Senator from Massachusetts (Mr. Kerry) were added as cosponsors of S. 952, a bill to develop and promote a comprehensive national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events.

S. 962

At the request of Mr. Durbin, his name was added as a cosponsor of S. 962, a bill to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

S. 967

At the request of Mr. Casey, his name was added as a cosponsor of S. 962, supra.

S. 970

At the request of Ms. Landrieu, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 970, a bill to promote and enhance the operation of local building code enforcement administration across the country by establishing a comprehensive Federal matching grant program.

S. 979

At the request of Mr. Durbin, the name of the Senator from Wisconsin (Mr. Kohl) was added as a cosponsor of S. 979, a bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible.

S. 982

At the request of Mr. Kennedy, the names of the Senator from Texas (Mr. Cornyn), the Senator from Alaska (Ms. Murkowski), the Senator from Indiana (Mr. Bayh) and the Senator from California (Mrs. Boxer) were added as cosponsors of S. 982, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 984

At the request of Mr. Boxer, the names of the Senator from Ohio (Mr. Brown) and the Senator from Maine (Ms. Collins) were added as cosponsors of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 987

At the request of Mr. Durbin, the name of the Senator from Illinois (Mr. Burris) was added as a cosponsor of S. 987, a bill to protect girls in developing countries from early marriage, and for other purposes.

S. 990

At the request of Ms. Stabenow, the name of the Senator from Michigan (Mr. Peters) was added as a cosponsor of S. 990, a bill to extend title 2, United States Code, to require the Secretary of the Department of Veterans Affairs to provide a grant for the development of a computerized program to aid veterans and their families in locating veterans' families who were kept as children or who entered the United States as children, and for other purposes.
The central corridor of the heritage area begins just south of Natchitoches, the oldest permanent settlement in the Louisiana Purchase, and extends along both sides of Cane River Lake for approximately 35 miles. The heritage area includes the Cane River Creole National Historical Park, seven National Historic Landmarks, three State Historic Sites, and a dense area of historic plantations, homes, and churches. While much of the roughly 116,000-acre heritage area is privately owned, many sites are protected.

The community’s pride in its history and traditions is legendary. The residents of Northwestern Louisiana stand united in their interest and involvement in preserving their traditions and their landscape for future generations. The Heritage Area offers residents a collaborative approach to conservation that does not compromise traditional local control over and use of the landscape.

The landscape of Cane River is an American treasure—one that we must preserve. The Cane River region has been the focal point for American Indian settlements, colonial forts, and Creole plantations. The river itself was the major road that sparked alliances with American Indians and brought European colonial powers to the area. To protect their interests, the French established Fort Saint Jean Baptiste in 1714, and the Spanish responded by building the presidio known as Los Adaes 15 miles to the west. Settlements spread from these early outposts, and the town of Natchitoches grew up around Fort Saint Jean Baptiste to become the most prosperous town in the region.

As countries came together in this place, so did cultures. American Indians were joined by European settlers, who imported large numbers of African slaves to farm the land. The interaction of these groups led to the development of a distinctive Creole culture, a culture that cut across racial categories and drew from many traditions but remained grounded in French colonialism and Catholicism. A thriving agricultural economy developed along the banks of the river by the time the region was joined to the United States in 1803, by the Louisiana Purchase. Natchitoches was the region’s commercial center. Downriver from the town, in the areas known as Côte Joyeuse “Joyous Coast” and Isle Brevelle, large and small plantations produced indigo, tobacco, and later cotton.

The Civil War and its aftermath brought great economic devastation and cultural change to the residents of the Cane River region. Tenant farming and sharecropping replaced slavery, exchanging one labor-intensive system for another. After World War II, mechanized farming permanently supplanted the old agricultural practices that depended on human labor in the fields. As a result, many people migrated to urban centers, leaving the fields behind.

This is the complex past that Congress acted to honor, preserve, and protect when it established the Cane River National Heritage Area in 1994. Today I call upon my colleagues to continue their recognition of the history and culture of this unique region.

The next bill I would like to call up and introduce is related to the Heritage Area, but the entire Nation will benefit from its prompt passage. This bill simply authorizes the Secretary of the Interior to enter into an agreement with Northwestern State University in Natchitoches, Louisiana, to construct a curatorial center for the use of Cane River Creole National Historical Park, the National Center for Preservation Technology and Training, and the University. These institutions emerged in the Cane River region because its beauty and rich historical legacy have attracted some of the Nation’s finest historians and experts in historical preservation from the world over.

Cane River Creole National Historical Park has a veritable treasure trove in its museum collection—boasting more than 1,000,000 objects. Unfortunately, this valuable cultural storehouse has been granted short shrift in terms of Federal funding. Today it is housed in leased space that fails to meet National Park Service museum standards, since there is no land in the area which is above the 500-year floodplain.

But the historical park has a long-standing partnership with Northwestern State University. In 1992, the National Center for Preservation Technology and Training was established at Northwestern University. The National Center for Preservation Technology and Training requires additional space to house equipment and workspace connected with the development and dissemination of preservation and conservation skills and technologies. The University is willing to make available land suitable for the National Park Service to construct a facility for curatorial and workspace needs. This bill simply allows that to happen. Since this Center facilitates the training and research of experts nationwide, I submit that this bill will do much to aid historical preservation efforts in every State, and I ask my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

SEC. 1. SHORT TITLE.
This Act may be cited as the “Cane River National Heritage Area Reauthorization Act of 2009.”

SEC. 2. CANE RIVER NATIONAL HERITAGE AREA.
(a) BOUNDARIES.—Section 401 of the Cane River Creole National Historical Park and
National Heritage Area Act (16 U.S.C. 410ccc–21) is amended—
(1) in subsection (b)—
(A) in paragraph (3), by striking “and” at the end;
(B) by redesigning paragraph (4) as paragraph (6); and
(C) by inserting after paragraph (3) the following:
“(4) fostering compatible economic development;
“(5) enhancing the quality of life for local residents; and”;
and
(2) in subsection (c), by striking paragraphs (1) through (6) and inserting the following:
“(1) the area generally depicted on the map entitled ‘Revised Boundary of Cane National Heritage Area Louisiana’, numbered 494/ 80021, dated May 2008;
“(2) the Fort Jesup State Historic Site; and
“(3) as satellite site, any properties connected with the prehistoric, historic, or cultural heritage of the Cane River region that may be the subject of cooperative agreements with the Cane River National Heritage Area Commission or any successor to the Commission.”;
(b) CANE RIVER NATIONAL HERITAGE AREA COMMISSION.—Section 402 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–22) is amended—
(1) in subsection (b)—
(A) by striking “19” and inserting “23”;
(B) in paragraph (4), by inserting “the Natchitoches Parish Tourist Commission and other” before “local”;
(C) in paragraph (7), by striking “Concern Citizens of Cloutierville” and inserting “Village of Cloutierville”;
(D) in paragraph (13), by striking “are landowners in and residents of” and inserting “own land within the heritage area”; and
(E) in paragraph (16)—
(ii) by striking “one member” and inserting “2 members”; and
(ii) by striking “and” at the end; and
(F) by redesigning paragraph (17) as paragraph (19); and
(G) by inserting after paragraph (16) the following:
“(17) 2 members, 1 of whom represents African American culture and 1 of whom represents Cane River Creole culture, after consideration of recommendations submitted by the Governor of Louisiana;”;
(II) member with knowledge of tourism, after consideration of recommendations by the Secretary of the Louisiana Department of Culture, Recreation and Tourism; and”;
(3) in subsection (c)—
(A) in paragraph (5), by striking “for research, search, historic preservation, and education purposes” and inserting “to further the purposes of title III and this title”;
(B) in paragraph (6), by striking “the preparation of studies that identify, preserve, and plan for the management of the heritage area” and inserting “carrying out projects or programs that further the purposes of title III and this title”;
and
(C) by striking paragraph (8) and inserting the following:
“(8) to conduct, or assist others in developing, projects or programs to further the purposes of title III and this title;”;
and
(4) in the third sentence of subsection (g), by inserting a proviso that except that if any of the organizations specified in subsection (b) ceases to exist, the vacancy shall be filled with an at-large member after “made”;
(c) ENHANCED COLLECTIVE PLAN.—Section 433 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–23) is amended by adding at the end the following:
“(d) AMENDMENTS.—
“(1) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the heritage area shall be reviewed by the Secretary and approved or disapproved in the same manner as the management plan.
“(2) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds made available under this title to implement amendments to the management plan until the Secretary approves the amendment.”;
(d) TERMINATION OF HERITAGE AREA COMMISSION.—Section 404 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–24) is amended—
(1) in subsection (a), by striking “the day occurring 10 years after the first official meeting of the Commission” and inserting “August 5, 2025”;
and
(2) in the third sentence of subsection (c), by striking “, including the potential for a nonprofit corporation,”.

By Ms. LANDRIEU:
S. 1018. A bill to authorize the Secretary of the Interior to enter into an agreement with Northwestern State University to construct a curatorial center for the use of Cane River Creole National Historical Park, the National Center for Preservation Technology and Training, and the University, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1018
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 “National Park Service and Northwestern State University Collections Conservation Center Act”.

SEC. 2. FINDINGS.
Congress finds that—
(1) Cane River Creole National Historical Park has a significant museum collection of more than 1,000,000 objects that is housed in leased space that fails to meet National Park Service museum standards;
(2) there is no land within the boundary of the historical park in Natchitoches Parish that is above the 500-year floodplain, which is the level required for constructing curatorial facilities under National Park Service policies;
(3) the historical park has a longstanding partnership with Northwestern State University.

Ms. MIKULSKI (for herself, Mr. BURRIS, Mr. SPECTER, Mr. DURBIN, Mr. VINOIVICH, Mr. INHOFE, Mr. SCHUMER, Mr. BROWNBACK, Mr. LEVIN, and Mr. CARDIN) submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. Res. 139

Whereas in January 1947, the communist Democratic Bloc party seized control of the Polish Parliament in a rigged election orchestrated by the Government of the Soviet Union;
Whereas from 1947 to 1952, the communist Government of Poland prosecuted, imprisoned, and executed many individuals who fought as part of the wartime Underground Resistance, an organization that valiantly defended the Polish people against Nazi Germany as part of the largest resistance movement in occupied Europe;
Whereas in July 1952, the passage of a new constitution of Poland granted formal recognition to the communist People’s Republic of Poland and outlawed any non-communist candidate from

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 139—COMMEMORATING THE 70TH ANNIVERSARY OF THE END OF COMMUNIST RULE IN POLAND
seeking office to represent the people of Poland;
Whereas during the ensuing years of communist rule, the people of Poland suffered severe losses because of the communist-led government’s failure to provide for the basic economic needs of its people;
Whereas under communist rule, Polish intellectuals, labor organizers, students, and reformers were imprisoned and exiled for speaking out against a succession of increasingly corrupt, inefficient, and repressive regimes;
Whereas despite the harsh repression of the communist-led government and the great personal risk they faced, the Polish people struggled for freedom by staging strikes, publishing underground newspapers, organizing street protests, and speaking out against the economic and political failures of the communist regime;
Whereas in August 1980, in the wake of a shipyard workers’ strike in Gdansk, the Solidarity Movement was created as the first free trade union in the Soviet Bloc nations;
Whereas ultimately 1 in 4 Polish citizens became members of the Solidarity Movement, which served as the driving force for Poland’s transition to a democratic republic;
Whereas on June 4, 1989, the Solidarity Party secured an overwhelming victory over the existing communist government in the first free election in Poland since the end of World War II, marking the fall of pro-Soviet rule in Poland; and
Whereas this victory inspired a succession of similarly peaceful transitions from communism to democracy in other former Soviet Bloc nations: Now, therefore, be it
Resolved, That the Senate—
(1) celebrates the 20th anniversary of the end of communist rule in Poland;
(2) expresses its admiration for the people of Poland for their bravery and resolve in the face of opposition and political oppression under communist rule;
(3) congratulates the people of Poland for their accomplishments in the years since the end of pro-Soviet communist rule in building a free democracy, and for their contributions as international partners;
(4) expresses its appreciation for the close friendship between the Government of the United States and the Government of Poland; and
(5) commends the Government of the United States to continue to seek new ways to enhance its partnership with the Government of Poland.

SENATE RESOLUTION 141—RECOGNIZING JUNE 2009 AS THE FIRST NATIONAL HEMORRHAGIC TELANGIECTASIA (HHT) MONTH, ESTABLISHED TO INCREASE AWARENESS OF HHT, WHICH IS A COMPLEX GENETIC BLOOD VESSEL DISORDER THAT AFFECTS APPROXIMATELY 70,000 PEOPLE IN THE UNITED STATES;

Whereas Hereditary Hemorrhagic Telangiectasia (HHT), also referred to as Osler-Weber-Rendu Syndrome, is a long-neglected national health problem that affects approximately 70,000 (1 in 5,000) people in the United States and 1,200,000 worldwide;
Whereas HHT is an autosomal dominant, uncommon complex genetic blood vessel disorder, characterized by telangiectases and arteriovenous malformations, that occurs in major organs including the lungs, brain, and liver, as well as the nasal mucosa, mouth, gastrointestinal tract, and skin of the face and hands;
Whereas left untreated, HHT can result in considerable morbidity and mortality and lead to acute and chronic health problems or sudden death;
Whereas 20 percent of those with HHT, regardless of age, suffer death and disability;
Whereas due to widespread lack of knowledge of this among medical professionals, approximately 90 percent of the HHT population has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;
Whereas it is estimated that 20 to 40 percent of complications and sudden death due to these “vascular time bombs” are preventable;
Whereas patients with HHT frequently receive fragmented care from practitioners who focus on 1 organ of the body, having little knowledge about involvement in other organs or the interrelation of the syndrome symptoms;
Whereas HHT is associated with serious consequences if not treated early, yet the condition is amenable to early identification and treatment with multiple acceptable treatments available in already-established facilities such as the HHT Treatment Centers of Excellence in the United States; and
Whereas adequate Federal funding is needed for education, outreach, and research to prevent death and disability, improve outcomes, reduce costs, and increase the quality of life for people living with HHT: Now, therefore, be it
Resolved, That the Senate—
(1) recognizes the need to pursue research to find better treatments, and eventually, a cure for HHT;
(2) recognizes and supports the HHT Foundation International as the only advocacy organization in the United States working to find a cure for HHT while saving the lives and improving the well-being of individuals and families affected by HHT through research, outreach, education, and support;
(3) supports the designation of June 2009 as National Hereditary Hemorrhagic Telangiectasia (HHT) month, to increase awareness of HHT;
(4) acknowledges the need to identify the approximately 90 percent of the HHT population that has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;
(5) recognizes the importance of comprehensive care centers in providing complete care and treatment for each patient with HHT;
(6) recognizes that stroke, lung, and brain hemorrhages can be prevented through early diagnosis, screening, and treatment of HHT;
(7) recognizes that chronic nose and gastrointestinal tract can be controlled through intervention, and that heart failure can be managed through proper diagnosis of HHT and treatment of it;
(8) recognizes that a leading medical and academic institution estimated that $6,600,000,000 of i-time health care costs can be saved through aggressive management of HHT in the at-risk population; and
(9) encourages the people of the United States and interested groups to observe and support the month through appropriate programs and activities that promote public awareness of HHT and potential treatments for it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1059. Mr. WHITEHOUSE (for himself and Mr. SANDERS) submitted an amendment in writing to an amendment offered by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open-end consumer credit plan, and for other purposes.

SA 1059. Mr. WHITEHOUSE (for himself and Mr. SANDERS) submitted an amendment in writing to an amendment offered by him to the bill H.R. 627, supra, which was ordered to lie on the table.
SA 1058. Mr. DODD (for himself and Mr. SHEPHERD) proposed an amendment to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Credit Card Accountability Responsibility and Disclosure Act of 2009” or the “Credit Card Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Regulatory authority.
Sec. 3. Effective date.

TITLE I—CONSUMER PROTECTION

Sec. 101. Protection of credit card—this Act.
Sec. 102. Limits on fees and interest charges.
Sec. 103. Use of terms clarified.
Sec. 104. Application of rules.
Sec. 105. Standards applicable to initial issuance of subprime or “fee harvester” cards.
Sec. 106. Rules regarding periodic statements.
Sec. 107. Enhanced penalties.
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TITLE II—ENHANCED CONSUMER DISCLOSURES

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Sec. 303. Issuing precommercial cards to certain college students.

TITLE IV—GIFT CARDS

Sec. 401. General-use prepaid cards, gift certificates, and store gift cards.
Sec. 402. Relation to State laws.
Sec. 403. Effective date.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Study and report on interchange fees.
Sec. 502. Board review of consumer credit plans, and for other purposes.

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Credit Card Accountability Responsibility and Disclosure Act of 2009” or the “Credit Card Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Regulatory authority.
Sec. 3. Effective date.

TITLE I—CONSUMER PROTECTION

Sec. 101. Protection of credit card—this Act.
Sec. 102. Limits on fees and interest charges.
Sec. 103. Use of terms clarified.
Sec. 104. Application of rules.
Sec. 105. Standards applicable to initial issuance of subprime or “fee harvester” cards.
Sec. 106. Rules regarding periodic statements.
Sec. 107. Enhanced penalties.
Sec. 108. Clerical amendments.

TITLE II—ENHANCED CONSUMER DISCLOSURES

Sec. 201. Paying and timing disclosures.
Sec. 202. Requirements relating to late payment deadlines and penalties.
Sec. 203. Renewal disclosures.
Sec. 204. Internet posting of credit card agreements.

TITLE III—PROTECTION OF YOUNG CONSUMERS

Sec. 301. Extensions of credit to underage consumers.
Sec. 302. Protection of young consumers from prescreened credit offers.
Sec. 303. Issuing precommercial cards to certain college students.

TITLE IV—GIFT CARDS

Sec. 401. General-use prepaid cards, gift certificates, and store gift cards.
Sec. 402. Relation to State laws.
Sec. 403. Effective date.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Study and report on interchange fees.
Sec. 502. Board review of consumer credit plans, and for other purposes.

May 11, 2009
CONGRESSIONAL RECORD — SENATE
S5333

(1) AMENDMENT TO TITLE II—SEC. 127 of the Truth in Lending Act (15 U.S.C. 1607) is amended by adding at the end the following:

(1) ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of any significant change, as determined by rule of the Board, in the terms (including an increase in any fee or finance charge, other than as provided in paragraph (1) of the cardholder agreement between the creditor and the obligor, not later than 45 days prior to the effective date of the change.

(2) NOTICE OF RIGHT TO CANCEL.—Each notice required by paragraph (1) or (2) shall be made in a clear and conspicuous manner, and shall contain, at least, a brief statement of the right of the obligor to cancel the account pursuant to rules established by the Board before the effective date of the subject rate increase or other change.

(3) RULE OF CONSTRUCTION.—Closure or cancellation of an account by the obligor shall not constitute a default under an existing cardholder agreement, and shall not trigger an obligation to immediately repay the obligation in full or through a method that is less beneficial to the obligor than one of the methods described in paragraph (2) of re-paying any outstanding balance, or a method that is no less beneficial to the obligor than one of those methods.

(4) METHODS.—The methods described in this paragraph are—

(A) an amortization period of not less than 5 years, beginning on the effective date of the increase set forth in the notice required under section 127(1); or

(B) a required minimum periodic payment that includes a percentage of the outstanding balance that is equal to not more than twice the percentage required before the effective date of the increase set forth in the notice required under section 127(1).

(d) OUSTANDING BALANCE DEFINED.—For purposes of this section, the term ‘outstanding balance’ means the amount owed on a credit card account under an open end consumer credit plan as of the end of the 14 day period preceding the date on which the creditor provides notice of an increase in the annual percentage rate, fee, or finance charge in accordance with section 127(1).

(c) INTEREST RATE REDUCTION ON OPEN END CONSUMER CREDIT PLANS.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended by adding at the end the following:

SEC. 148. INTEREST RATE REDUCTION ON OPEN END CONSUMER CREDIT PLANS.

(a) IN GENERAL.—If a creditor increases the annual percentage rate applicable to a credit card account under an open end consumer credit plan, the creditor shall reduce the credit risk of the obligor, market conditions, or other factors, the creditor shall consider changes in such factors in subse- quently determining not to reduce the annual percentage rate for such obligor.

(b) REQUIREMENTS.—With respect to any credit card account and for other purposes.

(1) maintain reasonable methodologies for assessing the factors described in subsection (a); and

(2) not less frequently than once every 6 months, review accounts as to which the annual percentage rate has been increased since January 1, 2009, to assess whether such factors have changed (including whether any risk has declined);
“(3) reduce the annual percentage rate previously increased when a reduction is indicated by the review; and
“(4) in the event of an increase in the annual percentage rate provided in this section to the requirements of and evaluate compliance with this section, and subsections (a), (b), and (c) shall become effective 15 months after the date on which the account is opened.

(d) INTRODUCTORY AND PROMOTIONAL RATES.—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended by inserting after section 171, as amended by this Act, the following:

**SEC. 172. ADDITIONAL LIMITS ON INTEREST RATE INCREASES.**

“(a) LIMITATION ON INCREASES WITHIN FIRST YEAR.—Except in the case of an increase described in paragraph (1) or (2) of section 171(b), no increase in any annual percentage rate applicable to a credit card account under an open end consumer credit plan that is a promotional rate (as that term is defined by the Federal Reserve) shall be effective before the end of the 1-year period beginning on the date on which the account is opened.

“(b) PROMOTIONAL RATE MINIMUM TERM.—No increase in any annual percentage rate applicable to a credit card account under an open end consumer credit plan that is a promotional rate (as that term is defined by the Board) shall be effective before the end of the 6-month period beginning on the date on which the promotional rate takes effect, subject to such reasonable exceptions as the Board may establish, by rule.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of Truth in Lending Act is amended by striking the item relating to section 171 and inserting the following:

“171. Limits on interest rate, fee, and finance charge increases applicable to outstanding balances.

“172. Additional limits on interest rate increases.

“173. Applicability of State laws.”

**SEC. 102. LIMITS ON FEES AND INTEREST CHARGES.**

(a) IN GENERAL.—Section 172 of the Truth in Lending Act (15 U.S.C. 1667) is amended by adding at the end the following:

“(1) PROHIBITION ON PENALTIES FOR ON-TIME PAYMENTS.—

“(a) IN GENERAL.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1666c) is amended—

“(A) by inserting in the chapter heading, by inserting ‘AND LIMITS ON CREDIT CARD FEES’ after ‘ADVERTISING’; and

“(B) in the table of sections for the chapter, by adding at the end the following:

“148. Interest rate reduction on open end consumer credit plans.

“149. Reasonable penalty fees on open end consumer credit plans.”

**SEC. 103. USE OF TERMS CLARIFIED.**

Section 127 of the Truth in Lending Act (15 U.S.C. 1667) is amended by adding at the end the following:

“(m) USE OF TERM ‘FIXED RATE’.—With respect to the terms of any credit card account under an open end consumer credit plan, the term ‘fixed rate’, when appearing in conjunction with a reference to the annual percentage rate or interest rate applicable with respect to such account, may be reasonably interpreted to mean a rate that will not change or vary for any reason over the period specified clearly and conspicuously in the terms of the account.”

**SEC. 104. APPLICATION OF CARD PAYMENTS.**

Section 164 of the Truth in Lending Act (15 U.S.C. 1666b) is amended—

(b) by striking the section heading and all that follows through ‘Payments’ and inserting the following:

“164. Prompt and fair crediting of payments

“(a) IN GENERAL.—Payments;

“(b) by inserting ‘(i)’ by the amount of any penalty fee or charge described under subsection (a) that is reasonable and proportional to the omission or violation to which the fee or charge relates. Subsection (a) shall become effective 15 months after the date of enactment of this section.

“§ 164. Prompt and fair crediting of payments

“(a) in General.—Upon receipt of a payment from a cardholder, the card issuer shall apply amounts in excess of the minimum payment amount first to the card balance bearing the highest rate of interest, and then to each successive balance bearing the next highest rate of interest, until the payment is exhausted.
“(2) Clarification relating to certain deferred interest arrangements.—A creditor shall allocate the entire amount paid by the consumer in excess of the minimum payment amount on the due date on which interest is deferred during the last 2 billing cycles immediately preceding the expiration of the period during which interest is deferred.

“(c) Time on issuer.—If the card issuer makes a material change in the mailing address, office, or procedures for handling cardholder payments, and such change causes the consumer to pay finance charges for the cardholder payment made during the 60-day period following the date on which such change took effect, the card issuer may not impose a late fee or finance charge for the late payment on the credit card account to which such payment was credited.”

SEC. 105. STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR ‘FEE HARVESTER’ CARDS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as amended by this Act, is amended by adding at the end the following new subsection:

“(n) Standards Applicable to Initial Issuance of Subprime or ‘Fee Harvester’ Cards.—

“(1) In general.—If the terms of a credit card account under an open end consumer credit plan require the payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) by the consumer in the first year during which the account is opened in an aggregate amount in excess of 25 percent of the total amount of credit authorized under the credit card account, the creditor shall impose any late fee or finance charge for a late payment on the credit card account to which such payment was credited.

“(2) Rule of construction.—No provision of this subsection may be construed as authorizing any imposition or payment of advance fees otherwise prohibited by any provision of law.”

SEC. 106. RULES REGARDING PERIODIC STATEMENTS.

(a) In General.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(o) Due Dates for Credit Card Accounts.—

“(1) In general.—The payment due date for a credit card account under an open end consumer credit plan shall be the same day each month that the account was opened.

“(2) Weekend or holiday due dates.—If the payment due date for a credit card account under an open end consumer credit plan is a day on which the creditor does not receive or accept payments by mail (including weekends and holidays), the creditor may not treat a payment received on the next business day as payment for any purpose.

(b) Maturity of Billing Period.

(1) In general.—Section 163 of the Truth in Lending Act (15 U.S.C. 166b) is amended to read as follows:

“SEC. 163. TIMING OF PAYMENTS.

“(a) Tim to Make Payments.—A creditor may not treat a payment on an open end consumer credit plan as late for any purpose, unless the creditor has adopted reasonable procedures designed to ensure that each periodic statement including the information required by section 127(b) is mailed or delivered to the consumer not later than 21 days before the payment due date.

“(b) Grace Period.—If an open end consumer credit plan provides a time period within which a consumer may make payments and any portion of the credit extended without incurring an additional finance charge, such additional finance charge may not be imposed with respect to such portion of the credit extended for the billing cycle of which such period is a part, unless a statement which includes the amount of such charge and the rate for the period based on the amount of interest which will be imposed in order to avoid imposition of that finance charge.

“(2) Effective date.—Notwithstanding section 3, section 163 of the Truth in Lending Act, as added by this section, shall become effective 90 days after the date of enactment of this Act.

(c) Clerical Amendments.—The table of sections for chapter 4 of the Truth in Lending Act is amended—

“(1) by striking the item relating to section 163 and inserting the following:

“163. Timing of payments.”; and

“(2) by striking the item relating to section 171 and inserting the following:

“171. Universal defaults prohibited.

172. Unilateral changes in credit card agreement prohibited.

173. Applicability of State laws.”.

SEC. 107. ENHANCED PENALTIES.

Section 130(a)(2)(A) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)(A)) is amended by striking “or (iii) in the” and inserting the following:

“(ii) the items required to be included in the table of information referred to on the billing statement, as required by this paragraph; and

“(ii) provides a clear and concise form stating each item of information required to be disclosed under the heading ‘Rates,’ ‘Finance charges,’ and ‘Other terms and conditions’ as required under paragraph (2), by striking the second sentence and inserting the following: “In connection with the disclosures referred to in subsections (a) and (b) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a) in any of paragraphs (4) through (13) of section 127(b), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), paragraphs (4) through (13) of section 127(b),”.

“(c) Guidelines Required.—

“(1) In general.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury (in this section referred to as the ‘Secretary’) through the Office of Finance Education, in consultation with the Board, shall, by rule, regulation, or order, issue guidelines for the establishment and maintenance by creditors of a toll-free telephone number for purposes of the disclosures required under section 127(b)(1)(B)(iv) of the Truth in Lending Act, as added by this section.
(2) APPROVED AGENCIES.—Guidelines issued under this subsection shall ensure that referrals provided by the toll-free number referred to in paragraph (1) include only those agencies certified by the Secretary as meeting the criteria under this section.

(3) CRITERIA.—The Secretary shall only certify a nonprofit budget and credit counseling agency for purposes of this subsection if—

(A) demonstrates that it will provide qualified counselors, maintain adequate provision for safeguarding of client funds, and provide adequate counseling with respect to client credit problems, and deal responsibly and ethically with matters relating to the quality, effectiveness, and financial security of the services it provides; and

(B) at a minimum—

(i) is a registered nonprofit entity under section 501(c) of the Internal Revenue Code of 1986;

(ii) has a board of directors, the majority of the members of which—

(I) are not employed by such agency; and

(II) will not directly or indirectly benefit financially from the outcome of the counseling services provided by such agency;

(iii) if a fee is charged for counseling services, charges a reasonable and fair fee, and provides services without regard to ability to pay the fee;

(iv) provides for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

(v) provides full disclosures to clients, including funding sources, counselor qualifications, possible impact on credit reports, any costs of such program that will be paid by the client, and how such costs will be paid;

(vi) provides adequate counseling with respect to the financial problems of the client, including an analysis of the current financial condition of the client, factors that caused such financial condition, and how such client can develop a plan to respond to the problems without incurring negative amortization of debt;

(vii) provides trained counselors who—

(I) receive no commissions or bonuses based on the outcome of the counseling services provided;

(II) have adequate experience; and

(III) are adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in clause (vi);

(viii) demonstrates adequate experience and background in providing credit counseling;

(ix) has adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan; and

(x) is accredited by an independent, nationally recognized accrediting organization.

SEC. 202. REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.

Section 127(b)(12) of the Truth in Lending Act (15 U.S.C. 1637(b)(12)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (1), by striking “Except as provided in paragraph (2), a card issuer” and inserting the following: “A card issuer that has changed or amended any term of the account for which a parent, legal guardian, or other individual who has attained the age of 21, unless that parent, guardian, or other individual who has attained the age of 21, or, if the date on which the obligor makes a payment on the account at such branch or office shall be considered to be the date on which the payment is made for purposes of determining whether a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment.”.

SEC. 203. RENEWAL DISCLOSURES.

Section 127(d) of the Truth in Lending Act (15 U.S.C. 1637(d)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (1), by striking “Except as provided in paragraph (2), a card issuer” and inserting the following: “A card issuer that has changed or amended any term of the account since the last renewal that has not been previously disclosed”.

SEC. 204. INTERNET POSTING OF CREDIT CARD AGREEMENTS.

(a) IN GENERAL.—Section 122 of the Truth and Lending Act (15 U.S.C. 1632) is amended by adding at the end the following new subsection:

“(d) ADDITIONAL ELECTRONIC DISCLOSURES.—

“(1) POSTING AGREEMENTS.—Each creditor shall establish and maintain an Internet site for the consumer credit card agreements received from creditors pursuant to this subsection, and such agreements shall be easily accessible and retrievable by the public.

“(2) EXCEPTION.—The Board shall promulgate regulations providing standards that, if met, would satisfy the requirements of subparagraph (B).”.

(b) PROHIBITION ON ISSUANCE.—No credit card may be issued, or open end consumer credit plan established by or on behalf of, a consumer who has not attained the age of 21, unless the consumer has submitted a written application to the card issuer that meets the requirements of this subsection.

(c) APPLICATION REQUIREMENTS.—An application to open a credit card account by a consumer who has not attained the age of 21 as of the date of submission of the application shall require—

“(i) the signature of a cosigner, including the parent, legal guardian, spouse, or any other individual who has attained the age of 21 having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21; or

“(ii) submission by the consumer of financial information, including through an application, indicating an independent means of paying any obligation from the proposed extension of credit in connection with the account.

“(D) SAFE HARBOR.—The Board shall promulgate regulations providing standards that, if met, would satisfy the requirements of subparagraph (B).”.

SEC. 205. PROTECTION OF YOUNG CONSUMERS FROM PRESCREENED CREDIT OFFERS.

Section 680(c)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681b(c)(1)(B)) is amended—

(1) in clause (ii), by striking “and” at the end; and

(2) in clause (iii), by striking the period at the end and inserting the following: “; and

“(iv) the consumer report does not contain a date of birth that shows that the consumer has not attained the age of 21, or, if the date of birth on the consumer report shows that the consumer has not attained the age of 21, such consumer consents to the consumer reporting agency to such furnishing.”.

SEC. 301. ISSUANCE OF CREDIT CARDS TO CERTAIN COLLEGE STUDENTS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following new subsection:

“(p) PARENTAL APPROVAL REQUIRED TO ISSUE CREDIT CARDS TO CERTAIN COLLEGE STUDENTS.—Section 122 of the Truth and Lending Act (15 U.S.C. 1632) is amended by adding at the end the following new subsection:

“(A) PROHIBITION REQUIRED TO INCREASE CREDIT LIMITS FOR ACCOUNTS FOR WHICH PARENT IS JOINTLY LIABLE.—No increase may be made in the amount of credit authorized to be extended for a credit card account for which a parent, legal guardian, or spouse of the consumer, or any other individual has assumed joint liability for debts incurred by the consumer in connection with the account before the consumer attains the age of 21, unless that parent, guardian, or spouse approves in writing, and assumes joint liability for, such increase.”.

TITLE IV—GIFT CARDS

SEC. 401. GENERAL-USE PREPAID CARDS, GIFT CERTIFICATES, AND STORE GIFT CARDS.

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 915 through 921 as sections 916 through 922, respectively; and

(2) by inserting after section 914 the following:
SEC. 915. GENERAL-USE PREPAID CARDS, GIFT CERTIFICATES, AND STORE GIFT CARDS.

(a) Definitions.—In this section, the following terms apply:

(1) DORMANCY FEE; INACTIVITY CHARGE OR FEE.—The terms ‘dormancy fee’ and ‘inactivity charge or fee’ mean a fee, charge, or penalty for non-use or inactivity of a gift certificate, store gift card, or general-use prepaid card.

(2) GENERAL USE PREPAID CARD, GIFT CERTIFICATE, AND STORE GIFT CARD.—

(A) GENERAL-USE PREPAID CARD.—The term ‘general-use prepaid card’ means a card or other payment code or device issued by any person and that is—

(i) redeemable at multiple, unaffiliated merchants or service providers, or automated teller machines;

(ii) issued in a specified amount that may not be increased or reloadable;

(iii) purchased on a prepaid basis in exchange for payment; and

(iv) honored, upon presentation, by merchants for goods or services, or at automated teller machines.

(B) GIFT CERTIFICATE.—The term ‘gift certificate’ means an electronic promise that is—

(i) redeemable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo;

(ii) issued in a specified amount that may not be increased or reloadable;

(iii) purchased on a prepaid basis in exchange for payment; and

(iv) honored upon presentation by such single merchant or affiliated group of merchants for goods or services.

(C) STORE GIFT CARD.—The term ‘store gift card’ means an electronic promise, plastic card, or other payment code or device that is—

(i) redeemable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo;

(ii) issued in a specified amount, whether or not that amount may be increased in value or reloadable at the request of the holder;

(iii) purchased on a prepaid basis in exchange for payment; and

(iv) honored upon presentation by such single merchant or affiliated group of merchants for goods or services.

(D) EXCLUSIONS.—The terms ‘general-use prepaid card’, ‘gift certificate’, and ‘store gift card’ do not include an electronic promise, plastic card, or other payment code or device that is—

(i) used solely for telephone services; or

(ii) reloadable and not marketed or labeled as a gift card or gift certificate;

(iii) a loyalty, award, or promotional gift card, as defined by the Board;

(iv) not marketed to the general public; or

(v) issued in paper form only (including for tickets and event passes).

(3) SERVICE FEE.—

(A) IN GENERAL.—The term ‘service fee’ means a periodic fee, charge, or penalty for holding or use of a gift certificate, store gift card, or general-use prepaid card.

(B) EXCLUSION.—With respect to a general-use prepaid card, the term ‘service fee’ does not include a one-time initial issuance fee.

(b) Prohibition on Imposition of Fees or Charges.—

(1) IN GENERAL.—Except as provided under paragraphs (2) through (4), it shall be unlawful for any person to impose a dormancy fee, an inactivity charge or fee, or a service fee with respect to a gift certificate, store gift card, or general-use prepaid card.

(2) EXCEPTIONS.—A dormancy fee, inactivity charge or fee, or service fee may be charged with respect to a gift certificate, store gift card, or general-use prepaid card, if—

(A) there has been no activity with respect to such gift certificate, store gift card, or general-use prepaid card, since the date of issuance; or

(B) the disclosure requirements of paragraph (3) have been met.

(3) DISCLOSURE REQUIREMENTS.—The disclosure requirements of this paragraph are met if—

(A) the general-use prepaid card clearly and conspicuously states—

(i) that a dormancy fee, inactivity charge or fee, or service fee may be charged; and

(ii) how much such fee or charge may be assessed; and

(iii) if such fee or charge may be assessed; and

(B) the issuer of such certificate or card informs the person that such fee or charge may be assessed, regardless of whether the certificate or card is purchased in person, over the Internet, or by telephone.

(4) EXCLUSION.—The prohibition under paragraph (1) shall not apply to any gift certificate—

(A) that is distributed pursuant to an agreement with respect to which, there is no money or credit advance; and

(B) with respect to which, there is no money or credit advance.

(c) Prohibition on Sale of Gift Cards With Expiration Dates.—

(1) IN GENERAL.—Except as provided under paragraph (2), it shall be unlawful for any person to sell or issue a gift certificate, store gift card, or general-use prepaid card that is subject to an expiration date.

(2) EXCEPTIONS.—A gift certificate, store gift card, or general-use prepaid card may contain an expiration date if—

(A) the expiration date is not earlier than 5 years after the date on which the gift certificate was issued, or the date on which card funds were last loaded to a store gift card or general-use prepaid card; and

(B) the terms of expiration are prominetly disclosed in all capital letters that are presented in at least 10-point type.

(d) ADDITIONAL RULEMAKING.—

(1) IN GENERAL.—The Board shall prescribe regulations to carry out this section, in addition to any other rules or regulations required by this title, including such additional requirements as appropriate relating to the amount of dormancy fees, inactivity charges or fees, or service fees that may be assessed and the amount of remaining value of gift certificate, store gift card, or general-use prepaid card below which such charges or fees may be assessed.

(2) CONSIDERATION.—In prescribing regulations under this subsection, the Board shall consult with the Federal Trade Commission.

(3) TIMING; EFFECTIVE DATE.—The regulations required in this subsection shall be issued in final form not later than 9 months after the date of enactment of the Consumer Credit Card Act of 2009.

SEC. 402. RELATION TO STATE LAWS.

Section 107 of the Electronic Fund Transfer Act (as redesignated by this title) is amended by inserting ‘dormancy fees, inactivity charges or fees, service fees, or expiration dates of gift certificates, store gift cards, or general-use prepaid cards,’ after ‘‘electronic fund transfers.’’

SEC. 403. EFFECTIVE DATE

This title and the amendments made by this title shall become effective 15 months after the date of enactment of this Act.

SEC. 501. STUDY AND REPORT ON INTERCHANGE FEES.

(a) Study Required.—The Comptroller General of the United States (in this section referred to as the ‘‘Comptroller’’) shall conduct a study on use of credit by consumers, interchange fees, and their effects on consumers and merchants.

(b) Subjects for Review.—In conducting the study required by this section, the Comptroller shall review—

(1) the extent to which interchange fees are required to be disclosed to consumers and merchants, whether merchants are restricted from disclosing interchange or merchant discounts, and how such fees are overseen by the Federal banking agencies or other regulators;

(2) the ways in which the interchange system affects the ability of merchants of varying size to negotiate pricing with card associations and banks;

(3) the costs and factors incorporated into interchange fees, such as advertising, bonus miles, and rewards, how such costs and factors vary among cards;

(4) the consequences of the undisclosed nature of interchange fees on merchants and consumers with regard to prices charged for goods and services;

(5) how merchant discount fees compare to the credit losses and other costs that merchants incur to operate their own credit networks or store cards;

(6) the extent to which the rules of payment card networks and their policies regarding interchange fees are accessible to merchants;

(7) other jurisdictions where the central bank has regulated interchange fees and the impact on retail prices to consumers in such jurisdictions;

(8) whether and to what extent merchants are permitted to discount for cash; and

(9) the extent to which interchange fees allow smaller financial institutions and merchants to offer their own credit networks and compete against larger financial institutions.

(c) Report Required.—Not later than 180 days after the date of enactment of this Act, the Comptroller shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing a detailed summary of the findings and conclusions of the study required by this section, together with such recommendations for legislative or administrative actions as may be appropriate.

SEC. 502. BOARD REVIEW OF CONSUMER CREDIT PLANS AND REGULATIONS.

(a) Required Review.—Not later than 2 years after the effective date of this Act and every 2 years thereafter, except as provided in subsection (c)(2), the Board shall conduct a review of the consumer credit card market, including—

(1) the terms of credit card agreements and the practices of credit card issuers; and

(2) the effectiveness of disclosures of terms, fees, and other expenses of credit card plans;

(b) Mandatory Findings.—The Comptroller shall make mandatory findings as to whether—

(3) the cost and availability of credit, particularly with respect to credit card market, including—

(1) the extent to which interchange fees are required to be disclosed to consumers and merchants, whether merchants are restricted from disclosing interchange or merchant discount fees, and how such fees are overseen by the Federal banking agencies or other regulators;

(2) the consequences of the undisclosed nature of interchange fees on merchants and consumers with regard to prices charged for goods and services;

(3) how merchant discount fees compare to the credit losses and other costs that merchants incur to operate their own credit networks or store cards;

(4) the extent to which the rules of payment card networks and their policies regarding interchange fees are accessible to merchants;

(5) other jurisdictions where the central bank has regulated interchange fees and the impact on retail prices to consumers in such jurisdictions;

(6) whether and to what extent merchants are permitted to discount for cash; and

(7) the extent to which interchange fees allow smaller financial institutions and merchants to offer their own credit networks and compete against larger financial institutions.

(c) Report Required.—Not later than 180 days after the date of enactment of this Act, the Comptroller shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing a detailed summary of the findings and conclusions of the study required by this section, together with such recommendations for legislative or administrative actions as may be appropriate.
(5) the safety and soundness of credit card issuers;
(6) the use of risk-based pricing; and
(7) credit card product innovation.

(b) PUBLIC COMMENT.—In conducting the review required by subsection (a), the Board shall solicit comment from consumers, credit card issuers, and other interested parties, through written comments.

(c) REGULATIONS.—Following the review required by subsection (a), the Board shall publish a final rule to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 112. EFFECTS OF HIGH COST CREDIT ON BANKRUPTCY PROCEEDINGS.

Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before the Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, May 13, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building. The purpose of the business meeting is to consider pending nominations and pending energy legislation.

For further information, please contact Amanda Kelly at (202) 224-6836 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The legislative clerk read the nominations of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

CLOTURE MOTION

Mr. Reid. Madam President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Monday, May 11th, 2009 at 1 p.m. to conduct a hearing entitled, "Making the Census Count in Urban America."

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

EXECUTIVE SESSION

NOMINATION OF DAVID J. HAYES

Mr. Reid. Madam President, I now move that the Senate go to executive session to consider Calendar No. 31, the nomination of David J. Hayes to be Deputy Secretary of the Interior.

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

CLOTURE MOTION

Mr. Reid. Madam President, I now send a cloture motion to the floor. The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

Harry Reid, Mark Begich, Jeff Merkley, Max Baucus, Patty Murray, Jon Tester, Jack Reed, Jeanne Shaheen, Barbara A. Mikulski, Debbie Stabenow, Tom Harkin, Robert Menendez, Byron L. Dorgan, Mark Pryor, Bernard Sanders, Sherrod Brown, Barbara Boxer.

Mr. Reid. Madam President, I ask unanimous consent that the manda-

LEGISLATIVE SESSION

Mr. Reid. Madam President, I ask unanimous consent that the Senate return to legislative session.
The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING AND ACKNOWLEDGING DEDICATION AND SACRIFICE OF LAW ENFORCEMENT OFFICERS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to S. Res. 140.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 140) commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Madam President, today the Senate will act unanimously in support of our Nation’s law enforcement officers by passing a resolution to honor their service and sacrifice. I am pleased the Senate will take this action at the start of National Police Week. I thank all Senators for their strong support. I thank Senator Sessions, as ranking member of the Judiciary Committee, for joining me in the introduction of this resolution.

This week we will reflect on the extraordinary service and sacrifice given year after year by the men and women of our police forces. We do not thank them enough. And as thousands of law enforcement officers arrive in Washington this week to pay tribute to those whose lives were lost in the line of duty, I hope they all know that the Senate stands with them and honors their service and their sacrifice. We welcome these men and women and their families and friends to the Nation’s Capitol.

This week, the Judiciary Committee will hold a hearing to get the perspective from the field as to how funds provided through the American Recovery and Reinvestment Act have been assisting with law enforcement efforts at the State and local level. I look forward to hearing from the Department of Justice and law enforcement officials on Congress and the administration’s efforts to assist law enforcement across the country. Along with our respect, America’s law enforcement officers deserve Congress’s strong support.

Once again, I am proud that the Senate will unanimously approve this resolution and formally recognize National Police Week and National Peace Officers’ Memorial Day.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 140) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 140

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 900,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of the peace;

Whereas peace officers are on the front lines in protecting the schools and schoolchildren of the United States;

Whereas 133 peace officers across the United States were killed in the line of duty during 2008;

Whereas Congress should strongly support initiatives to reduce violent crime and to increase the factors that contribute to the safety of law enforcement officers, including—

(1) equipment of the highest quality and modernity;

(2) increased availability and use of bullet-resistant vests;

(3) improved training; and

(4) advanced emergency medical care;

Whereas there are 8,274 Federal, State, and local law enforcement officers who lost their lives in the line of duty while protecting their fellow citizens, and whose names are engraved upon the National Law Enforcement Officers Memorial in Washington, District of Columbia;

Whereas in 1962, President John F. Kennedy designated May 15th as National Peace Officers Memorial Day;

Whereas on May 15, 2009, more than 20,000 peace officers are expected to gather in Washington, District of Columbia, to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2009, as “National Peace Officers Memorial Day”, in honor of the Federal, State, and local law enforcement officers that have been killed or injured in the line of duty; and

(2) calls on the people of the United States to observe that day with appropriate ceremony, solemnity, appreciation, and respect.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the following Senator as a member of the Senate Delegation to the Canada-U.S. Intergovernmental Group of Reference during the First Session of the 111th Congress: the Honorable CHARLES E. GRASSLEY of Iowa.

ORDERS FOR TUESDAY, MAY 12, 2009

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, May 12, that following the prayers and the Pledge of Allegiance, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half. Further, I ask that following morning business, the Senate resume consideration of H.R. 627, the Credit Cardholders’ Bill of Rights legislation. I further ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

Madam President, before that is approved, I hope that Senators who wish to make opening statements or statements regarding this legislation would do so. I also hope that people who wish to offer amendments would offer amendments. We are going to move this bill as quickly as possible. This is a bill that has wide support. The two managers will be Senators Dodd and Shelby. They have worked long and hard to come up with their amendment that is now pending. We have the example set by the House of Representatives where 377 Members voted for this totally bipartisan bill, and it is something that is badly needed.

It is interesting, Madam President. Senator Dodd, the manager of this bill, was talking to the pages today. These young boys and girls, who are juniors in high school, have received numerous preapproved credit cards. So I think this legislation is necessary. I think this has gotten way out of hand, just as subprime lending for houses got out of hand. We are not trying to punish any of the people who offer credit cards. This is something that has become a way of life. But there has to be some control over the way they are handled. So I have a unanimous consent request pending.

The PRESIDING OFFICER. Is there objection?

There being no objection, it is so ordered.

Mr. REID. Madam President, in short, I would hope people with amendments to offer would do so. We need to get this done as quickly as we can. We have important things to do before the Memorial Day recess.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 5:12 p.m., adjourned until Tuesday, May 12, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

J. RANDOLPH BABBITT, OF VIRGINIA, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION

J. Randolph Babbitt, of Virginia, to be Administrator of the Department of Transportation.
FOR THE TERM OF FIVE YEARS, VICE MARION C. BLAKEY, TERM EXPIRED.

DEPARTMENT OF LABOR
LORELEI BOYLAN, OF NEW YORK, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE PAUL DECLAMP.

CENTRAL INTELLIGENCE AGENCY
STEPHEN WOOLMAN PRESTON, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY, VICE SCOTT W. MULLER, RESIGNED.

DEPARTMENT OF DEFENSE
JAMIE MICHAEL MORIN, OF MICHIGAN, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE, VICE JOHN H. GIBSON, RESIGNED.

IN THE AIR FORCE
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general
GEN. WILLIAM M. FRASER III
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general
LT. GEN. WILLIAM L. SHELTON
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

IN THE NAVY
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral
VICE ADM. RICHARD K. GALLAGHER

IN THE MARINE CORPS
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general
MAJ. GEN. TERRY G. ROBLING
EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. RON KIND
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Monday, May 11, 2009

Mr. KIND. Madam Speaker, I was unable to have my vote recorded on the House floor on Thursday, May 7, 2009, due to a family commitment. Had I been present, I would have voted in favor of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act (Roll No. 242).

JEWISH AMERICAN HERITAGE MONTH

HON. MICHAEL A. ARCURI
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, May 11, 2009

Mr. ARCURI. Madam Speaker, I am proud to rise today in recognition of Jewish American Heritage Month. This month provides an important opportunity to reflect on the diverse ways in which Jewish Americans have contributed to the vitality of our nation and the preservation of our values.

The history of the Jewish American community begins in 1654, the year that 23 Jewish refugees from Recife, Brazil, fleeing persecution by the Portuguese Inquisition, arrived in the harbor of New Amsterdam, now known as New York. Although not the first Jews to come ashore in North America, they were the first to attain rights afforded to other settlers, including the right to own property, to erect a house of worship and to engage fully in the political process.

Free to worship and participate in civic life, the Jewish community in the United States has since thrived. Over the past 355 years, the achievements of Jewish Americans in areas such as science, law, literature, entertainment and public service have enriched our country and helped to propel our nation into the 21st century. Their deep devotion to faith and family has strengthened the fabric of our community and helped to propel our nation into the 21st century. They have since thrived. Over the past 355 years, the achievements of Jewish Americans in areas such as science, law, literature, entertainment and public service have enriched our country and helped to propel our nation into the 21st century. Their deep devotion to faith and family has strengthened the fabric of our country and helped to propel our nation into the 21st century.

Too often, those children, families, and individuals most in need do not have access to critical healthcare programs and services. Now operating in eighteen locations and serving eight cities and towns, the Hill Health Center has become an irreplaceable asset to our community. Affiliated with both Yale-New Haven Hospital and the Hospital of Saint Raphael, the Center's staff includes internists, pediatricians, OB/GYNs, psychiatrists, psychologists, nurse practitioners, physician assistants, nurse midwives, registered nurses, LPNs, certified medical technicians, certified phlebotomists, social workers, nutritionists, registered dieticians, dentists and dental hygienists. The Center also operates six school-based health and dental centers. The Hill Health Center provides comprehensive, affordable care to hundreds of children and families—helping to ensure that every resident, regardless of age, income, or insurance coverage, has access to quality health care.

As we gather to celebrate this remarkable milestone, we also take a moment to reflect on the history of the Center and pay tribute to a man who was the driving force behind its success for more than thirty years; my dear friend and one of New Haven's most respected community leaders, the late Cornell Scott. His tireless efforts literally changed the face of healthcare in our community and across the nation. I had the privilege of working with Scotty over the years and I was in constant awe of his endless energy. Though he is no longer with us, Scotty continues to be a source of inspiration to so many and his vision, through the good work at the Hill Health Center—continues to make a real difference in the lives of others.

I would like to use this moment to pay tribute to the distinguished priestly and sacramental service of Reverend Monsignor Edwin James Petersen. After 50 years, Reverend Monsignor Petersen is retiring as Monsignor with the Diocese of Fresno, California. Edwin James Petersen was born on November 8, 1933 in Los Angeles, California to Edwin Clarence Petersen and Maryellen A. Underwood. As a young man, Rev. Msgr. Petersen attended Randsburg Elementary School in Randsburg, California. His high school and college education was obtained at the Pontifical College Josephinum in Washington, Ohio. Between 1961 and 1963, he attended Fresno State College in Fresno, California where he obtained his Masters of Art degree. In 1970, Edwin James Petersen was invited to study at the prestigious American College in Louvain, Belgium where he received his Masters of Art in Theology.

Rev. Msgr. Petersen has been appointed to serve many of our Valley churches beginning as early as June 1959 at St. Mary’s in Cutler, California as an administrator. Shortly thereafter, he was appointed as an assistant at the Shrine of St. Therese’s in Fresno where he spent several years working with the parishioners. Over the course of the next decade, Rev. Msgr. Petersen spent time as an administrator at Our Lady of Sorrows in Parlier, and then became a part of the parish families of St. Patrick’s, Our Lady of Mercy, and Sacred Heart, all located in the community of Merced. Between 1974 and 2000 he was a valued and revered Pastor at Our Lady of Mercy, St. Anthony’s of Padua and the Shrine of St. Therese.

Providing programs ranging from outreach to the homeless to Birth-To-Three services for developmentally disabled children and from school-based health centers to a child and family guidance clinic, the Center’s many services significantly increase the quality of life for countless individuals and families. As the first of its kind in Connecticut and one of the first in the country, the Hill Health Center has provided a model for care that has been successfully replicated and built upon across Connecticut and the nation.

The Center and its remarkable staff have made all the difference in our community and I have no doubt that they will continue in their good work for many years to come. I could not be more proud to rise today to extend my sincere congratulations to the Hill Health Center and all of its staff and supporters—both past and present—as they celebrate their 40th Anniversary.

HON. RUBEÑ HINOJOSA
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, May 11, 2009

Mr. HINOJOSA. Madam Speaker, I was unavoidably detained during the debate on the final passage of, H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act (Roll No. 242).

HON. ROSA L. DELAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Monday, May 11, 2009

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to join all of those gathered in celebration of the 40th Anniversary of the Hill Health Center—a private, non-profit community health center—the first of its kind in the State of Connecticut. Which provides some of our most vulnerable citizens with the medical, dental, and behavioral health services. This is a very special milestone for this outstanding institution.

The Hill Health Center has and continues to serve many of our Valley churches beginning as early as June 1959 at St. Mary’s in Cutler, California as an administrator. Shortly thereafter, he was appointed as an assistant at the Shrine of St. Therese’s in Fresno where he spent several years working with the parishioners. Over the course of the next decade, Rev. Msgr. Petersen spent time as an administrator at Our Lady of Sorrows in Parlier, and then became a part of the parish families of St. Patrick’s, Our Lady of Mercy, and Sacred Heart, all located in the community of Merced. Between 1974 and 2000 he was a valued and revered Pastor at Our Lady of Mercy, St. Anthony’s of Padua and the Shrine of St. Therese.

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HON. JIM COSTA
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, May 11, 2009

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the distinguished priestly and sacramental service of Reverend Monsignor Edwin James Petersen. After 50 years, Reverend Monsignor Petersen is retiring as Monsignor with the Diocese of Fresno, California. Edwin James Petersen was born on November 8, 1933 in Los Angeles, California to Edwin Clarence Petersen and Maryellen A. Underwood. As a young man, Rev. Msgr. Petersen attended Randsburg Elementary School in Randsburg, California. His high school and college education was obtained at the Pontifical College Josephinum in Washington, Ohio. Between 1961 and 1963, he attended Fresno State College in Fresno, California where he obtained his Masters of Art degree. In 1970, Edwin James Petersen was invited to study at the prestigious American College in Louvain, Belgium where he received his Masters of Art in Theology.

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TRIBUTE TO DR. HELEN GRAVES

HON. PATRICK J. KENNEDY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Monday, May 11, 2009

Mr. KENNEDY. Madam Speaker, I rise to pay tribute to Dr. Helen Graves, an extraordinary woman who passed away April 21, 2009 at the age of 84. She was a noted and celebrated theorist in the field of experiential education and a devoted, civic-minded citizen of humanity.

Born February 21, 1925 in Pittsburgh, IL, Dr. Graves grew up in Southern Illinois, later deciding to study social science at Southern Illinois University. Upon receipt of a bachelor's degree, she acquired a masters degree from the University of Minnesota and later a Ph.D. from Wayne State University, at age 50.

During her career, Dr. Graves was instrumental in the development of young minds, preparing them for future civic duty and awareness. She established the first comparative political internship program in the Canadian House of Commons in 1984 and established the Washington Internship program, which she oversaw for 20 years. At the University of Michigan Dearborn, where she served as president from 1972-2000, she helped found the Women’s Commission, which celebrated its thirtieth anniversary in 2006. She also earned the university’s 1980 Distinguished Junior Faculty Award, 1989 Sara G. Power Award, and 1993 Outstanding Service Award. Dr. Graves established a number of new courses in the curriculum, including Women’s Politics and the Law and Canadian Politics. From 1992-1995, she sat on the Screening Committee of the Fulbright Program for Canadian Awards.

Dr. Graves was recognized by the Canadian House of Commons in 1993, elected delegate to the Democratic Convention 1998, and appointed in 1984 and reappointed in 1986 by Governor James Blanchard to the Michigan House of Commons, where she served from 1934-2006.

She also held the position of the Secretary of State, where she was committed and dedicated to representing not only the people in his district of New York, but all the people in this country.

In the late-60s, when Jack was named Secretary of Housing and Urban Development under President George H. W. Bush’s administration, I had an opportunity to visit with him as we discussed policy and the development of housing in this nation, including South Texas. He was very receptive to what I had to say and took the time from his very busy schedule to meet with me, made him one of a kind.

I clearly recall a very special moment in my life, when I, along with my staff, was flying on a commercial flight from Houston to Corpus Christi, Texas. We met Jack at the Houston airport and he noticed we were flying on a commercial plane. I remember him telling me, “You don’t have to fly commercial—I have a chartered jet—come with me.”

Jack was on his way to speak at a Republican Convention in Corpus Christi, and when we arrived there, other members of the Republican Party saw him accompany a member of the Democratic Party and joked, “What are you doing with this guy?”

Long before Jack was ever elected to public office, I knew of him from Robert “Bobby” Smith, a former football player of the Buffalo Bills who was born in Corpus Christi. Jack, who also played for the Buffalo Bills, and Bobby were good friends.

I want to offer my sincere condolences to Jack’s wife, Joanne, and his children, Jeff Nififer, Judith, and Jimmy. You remain in my prayers as your husband and father goes on to be with the Lord.

I ask my colleagues to join me in remembering Jack Kemp.

A BLANK CHECK FOR MUBARAK

HON. FRANK R. WOLF
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Monday, May 11, 2009

Mr. WOLF. Madam Speaker, I would like to bring to the attention of my colleagues an editorial that appeared in The Washington Post last week. The United States should not continue to give unconditional foreign military financing to the Egyptian government, as long as the regime continues to disregard the fundamental principles of human dignity. This undermines not only our values as a nation, but our credibility as a global leader on issues such as human rights and democracy.

From The Washington Post, May 7, 2009

No Questions Asked

Defense Secretary Robert M. Gates earned modest headlines in the United States this
week for playing down the possibility of a “grand bargain” with Iran after a meeting with Egyptian President Hosni Mubarak. But al-Jazeera, the leading media outlet of the Arab World, focused on another very different piece of news out of Mr. Gates’ Cairo news conference. Asked whether U.S. aid to Egypt would be linked in the future to democracy or human rights, the Pentagon chief answered that “foreign military financing” for Mr. Mubarak’s autocracy “should be without conditions. And that is our sustained position.” The Obama administration, which has rushed to embrace Egypt’s 81-year-old strongman, would do well to consider why al-Jazeera—once a pro-American sympathies—would choose to trumpet that report. The Obama administration’s policy assumes that the Bush administration’s at-tempts to promote democratic reforms in Egypt produced yet another case of damaged ties and bad public relations to remedy, such as Guantanamo Bay or the war in Iraq. So Mr. Gates, like Secretary of State Hillary Rodham Clinton before him, heaped praise on Mr. Mubarak while making clear that the new administration will not trouble him about, and often violently represses the country’s liberal politicians, bloggers and human rights activists. Yet, as al-Jazeera well understands, Mr. Mubarak’s fellow Arab autocrats are widely despised across the region—and the United States is blamed for unconditionally propping them up. In fact, Mr. Bush won credit from many Egyptians for pressing for democratic change; he was criticized because he failed to follow through. Now, Arabs around the region are learning that the Obama administration is returning to the old U.S. policy of ignoring human rights abuses by Arab dictators in exchange for their cooperation on security matters—that is, the policy that produced the Middle East of Osama bin Laden, Hamas and Saddam Hussein.

The pullback is not only rhetorical. Funding for democracy promotion in Egypt has been slashed from $50 million to $20 million this year. The State Department has agreed to Egyptian demands not to use economic aid to support or any organization not approved by the government. As a result, U.S. funding for pro-democracy and human rights groups has been slashed by about 70 percent. Meanwhile, Democrats on the House Appropriations Committee this week voted $260 million in fresh security assistance for Egypt into a supplemental appropriations bill, along with $182 million for border security. No conditions were attached.

What will all this appeasement buy from Mr. Mubarak? The Egyptian ruler continues to pledge to stop arms trafficking to Hamas, to rally support for his systematic and often violent repression of the country’s liberal politicians, bloggers and human rights activists. Yet, al-Jazeera well understands, Mr. Mubarak’s fellow Arab autocrats are widely despised across the region—and the United States is blamed for unconditionally propping them up. In fact, Mr. Bush won credit from many Egyptians for pressing for democratic change; he was criticized because he failed to follow through. Now, Arabs around the region are learning that the Obama administration is returning to the old U.S. policy of ignoring human rights abuses by Arab dictators in exchange for their cooperation on security matters—that is, the policy that produced the Middle East of Osama bin Laden, Hamas and Saddam Hussein.

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Michael A. Mazella, Jr.

HON. MICHAEL E. MCMAHON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Monday, May 11, 2009

Mr. McMahan. Madam Speaker, I rise today to honor Michael A. Mazella, Jr., a principal, teacher, and alumnus of the St. Ann School in the Dongan Hills community of Staten Island, New York who has touched the lives of thousands of Staten Island children.

Born and raised in Dongan Hills by his mother Lee Mazella and his father, the late Michael Mazella, Michael Mazella, Jr. was a member of the first graduating class of the St. Ann School, which was located on Grymes Hill and St. John’s University. Michael Mazella will retire from his role as principal of the St. Ann School this June when the academic year comes to a close. He will leave behind a legacy of service to St. Ann’s and the larger Staten Island community, having improved the lives of thousands of children through his work as teacher, coach, principal, mentor, and role model. Madam Speaker, I ask that my colleagues join me in commending Michael A. Mazella, Jr. and his extraordinary contributions to Staten Island and the St. Ann School.

Michael Mazella has been a positive influence on the lives of countless Dongan Hills public school children, serving as a CCD program coordinator for over 30 years.

Outside of his professional life, Michael Mazella is a devoted family man, married to Pamela Smith of West Brighton for almost 40 years. He is the father of three children, Michael, Julie and Jessica and the beloved grandfather of Ryan, Justin, Erin, Georgia, and Keira.

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HONORING THE CENTRAL CONNECTICUT COAST YMCA ON THEIR 150TH ANNIVERSARY

HON. ROSA L. DELAURO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Monday, May 11, 2009

Ms. Delauer. Madam Speaker, I am honored to have this opportunity to rise and extend my sincere congratulations to the Central Connecticut Coast YMCA as they celebrate their 150th Anniversary, an amazing milestone for an outstanding organization.

The Central Connecticut Coast YMCA has become an institution in the Greater New Haven community. What began as a small effort of local business owners and the CCC YMCA has grown into an organization with twelve branches, serving more than 75,000 people in twenty-five communities. The Central Connecticut Coast YMCA offers a myriad of programs for children, families, as well as adults—continuing in their founders’ vision of identifying and addressing unmet needs within the community. Their mission is to provide programs and services that enrich the community and enhance the quality of life for all.

The Central Connecticut Coast YMCA has a vision for the community—advocate for those whose voices are seldom heard, improve neighborhoods, and build strong kids, strong families, and strong communities. From after-school childcare to summer camp and preschool programs to year-round swim lessons for all ages, the CCC YMCA offers our young people programs designed to help them develop strong foundations on which to build their future success. The CCC YMCA has created programs and activities across the community to ensure that everyone has the opportunity to participate.

The Central Connecticut Coast YMCA is also a strong partner in providing a continuum of care to individuals and families who have become homeless. It is the largest provider of supportive housing in Fairfield County and operates the only family emergency shelter in the City of Bridgeport. In just this past year alone, they provided housing to 892 individuals, including more than 300 children. And they are providing so much more than simply shelter from the elements and a place to lay one’s head. Their supportive services include case management, job training, and continuing education classes. It is through this holistic approach that so many in need are finding the resources necessary to rebuild their lives, provide for their families, and contribute to the community.

For one hundred-fifty years, the Central Connecticut Coast YMCA has been there for our children and families. Its great success would not be possible without the dedication and commitment of its Board of Directors, Managers, Trustees, staff and volunteers—past and present—who remain vigilant in their mission. Their compassion, generosity, and vision have guided this organization and I am proud to have this opportunity to extend my deepest thanks and appreciation to them for all of their good work.

Today, as the Central Connecticut Coast YMCA celebrates its 150th Anniversary, I am pleased to rise not only congratulate the organization on this remarkable milestone, but thank them for the many invaluable contributions they have made which have gone a long way in shaping the very character of our community. Congratulations and best wishes for many more years of continued success!

COMMENDING SISTER M. THERESÉ ANTOINE

HON. PATRICK J. KENNEDY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Monday, May 11, 2009

Mr. Kennedy. Madam Speaker, on behalf of the constituents of the State of Rhode Island and the students of Salve Regina University, I would like to acknowledge and commend Sister M. Therese Antone. She is currently fulfilling a fifteen-year tenure as the sixth Chancellor of the University on July 1.

Under the direction of Sister Therese Antone, Salve Regina University has impacted and improved the academic and economic vigor of the State of Rhode Island. Sister Therese Antone for her service, achievement and dedication to the dynamic advancement of academia.

Ms. Therese Antone has been a leader in the Salve Regina community and a strong partner in providing a continuum of care to individuals and families who have become homeless. It is the largest provider of supportive housing in Fairfield County and operates the only family emergency shelter in the City of Bridgeport. In just this past year alone, they provided housing to 892 individuals, including more than 300 children. And they are providing so much more than simply shelter from the elements and a place to lay one’s head. Their supportive services include case management, job training, and continuing education classes. It is through this holistic approach that so many in need are finding the resources necessary to rebuild their lives, provide for their families, and contribute to the community.

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SENNATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 12, 2009 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

MAY 13

Time to be announced

Health, Education, Labor, and Pensions

Business meeting to consider any pending nominations.

Room to be announced

Foreign Relations

To hold hearings to examine the nominations of Philip J. Crowley, of Virginia, to be Assistant Secretary for Public Affairs, and Judith A. McHale, of Maryland, to be Under Secretary for Public Diplomacy, both of the Department of State.

SD–419

9:45 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Labor.

SD–138

10 a.m.

Commerce, Science, and Transportation

Competitiveness, Innovation, and Export Promotion Subcommittee

To hold hearings to examine tourism in troubled times.

SR–253

Economic Policy Subcommittee

To hold hearings to examine manufacturing and the credit crisis.

SD–538

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Homeland Security and Governmental Affairs

To hold hearings to examine the D.C. Opportunity Scholarship Program, focusing on preserving school choice for all.

SD–342

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine torture and the Office of Legal Counsel in the Bush Administration.

SD–226

Rules and Administration

To hold hearings to examine problems for military and overseas voters, focusing on why many soldiers and their families cannot vote.

SR–301

10:30 a.m.

Foreign Relations

To hold hearings to examine the nomination of Daniel Benjamin, of the District of Columbia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

SD–419

Appropriations

Interior, Environment, and Related Agencies Subcommittee

To hold hearings to examine proposed budget request for fiscal year 2010 for the Environmental Protection Agency.

SD–124

2 p.m.

Appropriations

Homeland Security Subcommittee

To hold hearings to examine proposed budget request for fiscal year 2010 for the Department of Homeland Security.

SD–192

2:15 p.m.

Commerce, Science, and Transportation

Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine reauthorization of the Federal Aviation Administration (FAA), focusing on perspectives of aviation stakeholders.

SR–253

Small Business and Entrepreneurship

To hold hearings to examine small business financing, focusing on a progress report on Recovery Act implementation and alternative sources of financing.

SR–429A

Foreign Relations

African Affairs Subcommittee

International Operations and Organizations, Human Rights, Democracy and Global Women’s Issues Subcommittee

To hold joint hearings to examine confronting rape and other forms of violence against women in conflict zones.

SD–419

Banking, Housing, and Urban Affairs

To hold hearings to examine the nomination of Peter M. Rogoff, of Virginia, to be Federal Transit Administrator, Federal Transit Administration, Department of Transportation.

SD–538

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Florence Y. Pan, of the District of Columbia, and Marisa J. Demco, of the District of Columbia, both to be an Associate Judge of the Superior Court of the District of Columbia, and David Heyman, of the District of Columbia, to be Assistant Secretary of Homeland Security.

SD–342

MAY 14

Time to be announced

Indian Affairs

Business meeting to consider pending calendar business.

SD–628

9:30 a.m.

Armed Services

To hold hearings to examine proposed defense authorization request for fiscal year 2010 for the Future Years Defense Program.

SD–106

9:45 a.m.

Foreign Relations

To hold hearings to examine the nominations of Jeffrey D. Feltman, of Ohio, to be Assistant Secretary for Near Eastern Affairs, and Robert Orvis Blake, Jr., of Maryland, to be Assistant Secretary for South Asian Affairs, both of the Department of State.

SD–419

10 a.m.

Environment and Public Works

Business meeting to consider S. 1005, to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States, S. 849, to authorize the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions, H.R. 30, to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wild animals under that Act, H.R. 388, to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes, S. 529, to assist in the conservation of rare fields and rare canids by supporting and providing financial resources for the conservation programs of countries within the range of rare feld and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare feld and rare canid populations, H.R. 813, to designate the Federal building and United States courthouse located at 300 East Main Street in Elizabeth City, North Carolina, as the “J. Herbert W. Small Federal Building and United States Courthouse”, H.R. 837, to designate the Federal building located at 799 United Nations Plaza in New York, New York, as the “Ronald H. Brown United States Mission to the United Nations Building”; and Army Corps of Engineers Study Resolution: Miles City and Vicinity, Montana.

SD–406

Health, Education, Labor, and Pensions

To hold hearings to examine delivery reform, focusing on the roles of primary and specialty care in innovative new delivery models.

SD–430

10:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings to examine the proposed budget request for fiscal year 2010 for national intelligence program and military intelligence program.

SVC–217

2 p.m.

Appropriations

Business meeting to markup proposed budget request for fiscal year 2009 supplemental for Iraq, Afghanistan, Pakistan, and the pandemic flu.

SD–106

Foreign Relations

To hold hearings to examine the Middle East, focusing on the road to peace.

SD–419

2:30 p.m.

Energy and Natural Resources

To hold hearings to examine S. 1013, the Department of Energy Carbon Capture

Intelligence

To hold closed hearings to examine certain intelligence matters.
S–407, Capitol

MAY 15
9:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Robert M. Groves, of Michigan, to be Director of the Census, Department of Commerce.
SD–342

MAY 19
9:30 a.m.
Armed Services
To hold hearings to examine the Department of the Army proposed defense authorization request for fiscal year 2010 and the Future Years Defense Program.
SH–216

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider S. 982, to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products, and any pending nominations.
SD–430

MAY 21
2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine public health challenges in our nation’s capital.
SD–342

9:30 a.m.
Veterans’ Affairs
Business meeting to markup pending legislation.
SR–418
Chamber Action

Routine Proceedings, pages S5303–S5340

Measures Introduced: Six bills and three resolutions were introduced, as follows: S. 1014–1019, and S. Res. 139–141. Pages S5327–28

Measures Passed:

- **Commemorating and Acknowledging Fallen Law Enforcement Officers:** Senate agreed to S. Res. 140, commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers. Page S5339

Measures Considered:

- **Credit Cardholders’ Bill of Rights Act:** Senate began consideration of H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, taking action on the following amendment proposed thereto: Pages S5313–21

Pending:

- **Dodd/Shelby Amendment No. 1058,** in the nature of a substitute.

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 11 a.m., on Tuesday, May 12, 2009. Page S5339

Appointments:

- **Canada-U.S. Interparliamentary Group Conference:** The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appointed the following Senator as a member of the Senate Delegation to the Canada-U.S. Interparliamentary Group conference during the First Session of the 111th Congress: Senator Grassley. Page S5339

Message from the President: Senate received the following message from the President of the United States:

- Transmitting, pursuant to law, three volumes completing the Budget of the United States Government for Fiscal Year 2010: Updated Summary Tables; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; which was referred to the Committees on the Budget; and Appropriations. (PM–18) Page S5327

Hayes Nomination—Cloture: Senate began consideration of the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior. Page S5338

A motion was entered to close further debate on the nomination and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Wednesday, May 13, 2009. Page S5338

Nominations Received: Senate received the following nominations:

- J. Randolph Babbitt, of Virginia, to be Administrator of the Federal Aviation Administration for the term of five years.
- Lorelei Boylan, of New York, to be Administrator of the Wage and Hour Division, Department of Labor.
- Stephen Woolman Preston, of the District of Columbia, to be General Counsel of the Central Intelligence Agency.
- Jamie Michael Morin, of Michigan, to be an Assistant Secretary of the Air Force.
- 3 Air Force nominations in the rank of general.
- 1 Marine Corps nomination in the rank of general.
- 1 Navy nomination in the rank of admiral.

Additional Cosponsors:

- Pages S5328–30

Statements on Introduced Bills/Resolutions:

- Pages S5330–32

Additional Statements:

- Pages S5326–27

Amendments Submitted:

- Pages S5332–38

Notices of Hearings/Meetings:

- Page S5338

 Authorities for Committees to Meet:

- Page S5338

Privileges of the Floor:

- Page S5338

Adjournment: Senate convened at 2 p.m. and adjourned at 5:12 p.m., until 10 a.m. on Tuesday, May 12, 2009. (For Senate’s program, see the remarks of
the Majority Leader in today’s Record on page S5339.)

**Committee Meetings**
(Committees not listed did not meet)

**NOMINATION**

Committee on Finance: On Friday, May 8, 2009, committee concluded a hearing to examine the nomination of Neal S. Wolin, of Illinois, to be Deputy Secretary of the Treasury, after the nominee, who was introduced by Senator Lieberman, testified and answered questions in his own behalf.

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## House of Representatives

### Chamber Action

**Public Bills and Resolutions Introduced:** 1 public bill, H.R. 2342 was introduced.

**Additional Cosponsors:**

**Report Filed:** A report was filed today as follows:

- H.R. 2187, to direct the Secretary of Education to make grants to State educational agencies for the modernization, renovation, or repair of public school facilities, with an amendment (H. Rept. 111–100).

**Speaker:** Read a letter from the Speaker wherein she appointed Representative McGovern to act as Speaker Pro Tempore for today.

**Chaplain:** The prayer was offered by the Guest Chaplain, Reverend Eugene Hemrick, Washington Theological Union, Washington, DC.

**Quorum Calls—Votes:** There were no Yea-and-Nay votes, and there were no Recorded votes. There were no quorum calls.

**Adjournment:** The House met at 2 p.m. and adjourned at 2:03 p.m.

### Committee Meetings

No committee meetings were held.

### Joint Meetings

**EMPLOYMENT**

*Joint Economic Committee:* On Friday, May 8, 2009, committee concluded a hearing to examine the employment situation for April 2009, after receiving testimony Keith Hall, Commissioner, Bureau of Labor Statistics, Department of Labor.

### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D 446)

- H.R. 1626, to make technical amendments to laws containing time periods affecting judicial proceedings. Signed on May 7, 2009. (Public Law 111–16)
- S.J. Res. 8, providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution. Signed on May 7, 2009. (Public Law 111–17)
- S. 39, to repeal section 10(f) of Public Law 93–531, commonly known as the “Bennett Freeze”. Signed on May 8, 2009. (Public Law 111–18)

### COMMITTEE MEETINGS FOR TUESDAY, MAY 12, 2009

(Committee meetings are open unless otherwise indicated)

**Senate**

*Committee on Appropriations:* Subcommittee on Defense, to hold hearings to examine proposed budget request for fiscal year 2010 for the Army, 10:30 a.m., SD–192.

Subcommittee on State, Foreign Operations, and Related Programs, business meeting to mark up proposed budget request for fiscal year 2009 supplemental for the Department of State, foreign operations, and related programs, 2:30 p.m., SD–138.

Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, to hold hearings to examine proposed budget request for fiscal year 2010 for military construction, Veterans Affairs, and related agencies, 2:30 p.m., SD–124.

*Committee on Armed Services:* to hold hearings to examine the nominations of Andrew Charles Weber, of Virginia, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Paul N. Stockton, of California, to be Assistant Secretary for Homeland Defense and Americas’ Security Affairs, Thomas R. Lamont, of Illinois, to be Assistant Secretary of the Army for Manpower and Reserve Affairs, and Charles A.
Blanchard, of Arizona, to be General Counsel of the Department of the Air Force, all of the Department of Defense, 10 a.m., SH–216.

Committee on Energy and Natural Resources: to hold hearings to examine S. 967, to amend the Energy Policy and Conservation Act to create a petroleum product reserve, and S. 283, to amend the Energy Policy and Conservation Act to modify the conditions for the release of products from the Northeast Home Heating Oil Reserve Account, 2:30 p.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine proposed budget request for fiscal year 2010 for the Environmental Protection Agency, 9:45 a.m., SD–406.

Full Committee, to hold hearings to examine the nominations of Peter Silva Silva, of California, to be Assistant Administrator, and Stephen Alan Owens, of Arizona, to be Assistant Administrator for Toxic Substances, both of the Environmental Protection Agency, and Jo-Ellen Darcy, of Maryland, to be an Assistant Secretary of the Army, Department of Defense, 2:30 p.m., SD–406.

Committee on Finance: to hold hearings to examine financing comprehensive health care reform; to be immediately followed by a business meeting to consider the nomination of Neal S. Wolin, of Illinois, to be Deputy Secretary of the Treasury, 10 a.m., SD–106.

Committee on Foreign Relations: business meeting to consider the nominations of Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State, and Susan Flood Burk, of Virginia, to be Special Representative of the President for nuclear non-proliferation; to be immediately followed by a hearing to examine the United States strategy toward Pakistan, 10:15 a.m., SD–419.

Full Committee, to hold hearings to examine energy security, focusing on historical perspectives and modern challenges, 2 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nomination of Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, 10 a.m., SD–342.

Full Committee, to hold hearings to examine the proposed budget request for fiscal year 2010 for the Department of Homeland Security, 4 p.m., SD–342.

Committee on the Judiciary: to hold hearings to examine helping State and local law enforcement, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Gerard E. Lynch, of New York, to be United States Circuit Judge for the Second Circuit, and Mary L. Smith, of Illinois, to be Assistant Attorney General, Tax Division, Department of Justice, 2:30 p.m., SD–226.

Committee on Veterans’ Affairs: business meeting to consider the nominations of Roger W. Baker, of Virginia, to be Assistant Secretary for Information and Technology, William A. Gunn, of Virginia, to be General Counsel, Jose D. Riojas, of Texas, to be Assistant Secretary for Operations, Security, and Preparedness, and John U. Sepulveda, of Virginia, to be Assistant Secretary for Human Resources, all of the Department of Veterans Affairs, Time to be announced, room to be announced.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., S–407, Capitol.

House

Committee on Appropriations, Subcommittee on Energy and Water Development, and Related Agencies, on Army Corps of Engineers, 10 a.m., 2362–B Rayburn.

Subcommittee on Financial Services, General Government, and Related Agencies, on GSA, 2 p.m., 2220 Rayburn.

Subcommittee on Homeland Security, on Secretary of Homeland Security, 1 p.m., 2359 Rayburn.

Subcommittee on Interior and Environment, and Related Agencies, on Forest Service, 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Secretary of Labor, 10 a.m., 2359 Rayburn, and on Members Requests, 2 p.m., 2358–C Rayburn.

Committee on Education and Labor, hearing on America’s Competitiveness through High School Reform, 3 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, hearing on the following: Consumer Credit Protection Improvement Act of 2009 and H.R. 2190, Mercury Pollution Reduction Act, 2 p.m., 2322 Rayburn.

Subcommittee on Health, hearing on H.R. 1346, Medical Device Safety Act of 2009, 2 p.m., 2123 Rayburn.

Committee on Rules, to consider H.R. 2187, 21st Century Green High-Performing Public School Facilities Act, 5 p.m., H–313 Capitol.
Congressional Record

Next Meeting of the SENATE
10 a.m., Tuesday, May 12

Senate Chamber

Program for Tuesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of H.R. 627, Credit Cardholders’ Bill of Rights Act.
(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, May 12

House Chamber

Program for Tuesday: Consideration of the following suspensions: (1) H. Res. 413—Supporting the goals and ideals of "IEEE Engineering the Future" Day on May 13, 2009; (2) H. Res. 387—Supporting the goals and ideals of National Hurricane Preparedness Week; (3) H.R. 2020—Networking and Information Technology Research and Development Act of 2009; (4) H. Res. 192—Recognizing National Nurses Week on May 6 through May 12, 2009; (5) H. Res. 204—Congratulating the American Dental Association for its 150th year of working to improve the public’s oral health and promoting dentistry; (6) H.R. 23—Belated Thank You to the Merchant Mariners of World War II Act of 2009; (7) H.R. 1178—To direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions; (8) H. Res. 405—Commending the heroic efforts of the people fighting the floods in North Dakota; (9) H. Con. Res. 84—Supporting the goals and objectives of a National Military Appreciation Month; (10) H. Res. 370—Expressing support for designation of April 27, 2009, as "National Healthy Schools Day"; (11) H. Res. 388—Celebrating the role of mothers in the United States and supporting the goals and ideals of Mother’s Day; (12) H.R. 2162—The "Herbert A Littleton Postal Station" Designation Act; (13) H. Res. 378—Recognizing the 30th anniversary of the election of Margaret Thatcher as the first female Prime Minister of Great Britain; and (14) H. Res. 171—Expressing the sense of the House of Representatives on the need for constitutional reform in Bosnia and Herzegovina and the importance of sustained United States engagement in partnership with the European Union (EU).

Extensions of Remarks, as inserted in this issue

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Arcuri, Michael A., N.Y., E1111
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Culberson, John Abney, Tex., E1112
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Wolf, Frank R., Va., E1112

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