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Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

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

Let us pray.

Eternal God, who alone rules the raging of the sea, we bow in awe and reverence before You. Even as we bow, we rejoice that Your mercy enables us to not be consumed in Your presence.

Strengthen our Senators for today's journey. In all the changing scenes of their lives, help them to bear in mind that You are an ever-present help for all their challenges. Lord, give to them the abiding awareness that nothing that disturbs their peace is too insignificant to bring to You. May these lawmakers live in the sure faith that Your love is stronger than all human rebellion and that You can empower them to live worthy of Your grace. At the end of this day, may they feel they have done their best and that You are pleased with their labors.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS 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 12, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

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 I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, we will be in a period of morning business for up to 1 hour. Senators will be allowed to speak for up to 10 minutes each during that time. The Republicans will control the first 30 minutes, the majority will control the second 30 minutes. Following morning business, the Senate will resume consideration of the credit card legislation. We will be in recess from 12:30 until 2:15 to allow for our weekly caucus luncheons.

One of the things I want to clear up, I announced yesterday that we would be having votes on Monday. To say I got a few phone calls is an understatement. When we announce that there will be no votes, people schedule things. It is very difficult to undo those. By popular demand, we will not have any votes this Monday. I have spoken to the Republican leader. We think we can work together to accomplish what we need to anyway. We have a few things we need to do before we leave here next Thursday or Friday. I want everyone to know that the no-vote day is reestablished this coming Monday.

I filed cloture last evening on David Hayes to be Deputy Secretary of Interior. Under rule XXII, that vote will occur tomorrow morning. We may be able to work on an agreement to work around that in some way. We will certainly work with all colleagues to find out what we can do to work through that issue.

I have asked the Republican leader to speak first. I have something I have to do off the floor.

RECOGNITION OF THE MINORITY LEADER

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

NO VOTE MONDAY

Mr. MCCONNELL. Mr. President, I say to my good friend the majority leader, I am sure his decision to stick with not voting on Monday was greeted with great pleasure on this side of the aisle as well.

GUANTANAMO

Mr. MCCONNELL. Mr. President, for the past several weeks, I have repeatedly expressed my concerns about the administration's decision to fix an arbitrary deadline on closing Guantanamo before it has a plan for the detainees. In my view, it was irresponsible for the administration to announce the closure of this safe and secure facility before it could assure the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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American people that the alternative would be no less safe.

So far the administration's response to these concerns has been to simply assure people that any future transfer will not endanger Americans. Attorney General Holder says that detainees from Guantanamo would only be sent to American prisons if he is convinced that doing so won't impact the safety of the communities they are sent to. National Security Adviser Jim Jones has said the same thing. On Sunday, he said nothing would be done to make Americans, ''less safe.''

These assurances may be consoling to some. But Americans deserve more than vague assurances. They want to know which communities are being considered, and they want to know how the people who live in these communities would be affected by the arrival of terrorists. In short, Americans want the kind of assurances and specifics the Attorney General has evidently shared with foreign governments like he did recently on a trip to Europe, but not with the U.S. Congress.

News reports indicate that Alexandria, VA is a possible destination for some detainees from Guantanamo. A few years ago, when one of the 9/11 conspirators, Zacharias Moussaoui, was held in Alexandria, the jail had to set aside a unit of six cells and a common area just for him. Every time Moussaoui was moved to a nearby courthouse, he was transferred in a heavily armed convoy and the entire prison was locked down. And whenever Moussaoui was transferred to the courthouse, traffic was stopped due to security concerns, a major inconvenience to locals and local businesses.

These were the security requirements for just one terrorist. Now imagine duplicating these procedures many times over for multiple detainees from Guantanamo.

Based on its own past experience with Moussaoui, local officials in Alexandria are extremely concerned. The mayor of Alexandria said recently that he is ''absolutely opposed'' to detainees from Guantanamo going to Alexandria and that he would do everything in his power to stop it. Alexandria's sheriff is also unconvinced by the administration's claims. He said that if multiple detainees were sent to Alexandria, they could ''overwhelm the system.''

Congressman JIM MORAN, who represents Alexandria, is one of the few people who is open to the idea of domestic transfers. But even he admits the strain would be intense.

Yet what is even more worrisome to some officials at the local level is the prospect that any city which houses these detainees could become the target of a terrorist attack. The residents of Alexandria are concerned about it, and so are the residents of communities all across the country. I can assure you that Kentuckians don't want detainees from Guantanamo living anywhere within our borders, and I know that communities all over the country share the same concerns.

Already, State and local officials in places like Louisiana, California, and Mississippi have been introducing resolutions to stop these terrorists from being sent to their communities. In Virginia, the Stafford County Board of Supervisors has passed a resolution opposing the transfer of Guantanamo prisoners to the Marine base at Quantico. In Missouri, the legislature passed a resolution urging Congress to keep detainees out of the State.

Similar measures have been introduced or approved in other States, including California where Camp Pendleton is considered a candidate to receive detainees. Here in Washington, lawmakers on both sides of the aisle are also raising concerns. When one Democratic Senator was asked about the possibility of detainees being sent to his State, he was blunt: ''No way,'' he said, ''not on my watch.'' Other Democrats have voiced serious concerns about the impact transferring detainees would have on their communities. They know about the experience of Alexandria during the Moussaoui trial, and they don't want it duplicated many times over in their own communities.

So there is strong bipartisan opposition to this proposal. I can't think of a congressional district in America that would welcome terrorists. Local communities want the administration to explain how transferring or releasing detainees won't make them, quote, ''less safe''. And the American people want the administration to explain its plans to their elected representatives in Congress.

Senator SESSIONS, the ranking member of the Judiciary Committee, has now sent the Attorney General two letters asking what legal authority the administration has to release trained terrorists into the United States. He has yet to receive the courtesy of a response. Imagine that. The ranking member of the Judiciary Committee sent the Attorney General a letter pointing out that the law prohibits the transfer of terrorists to the U.S. soil, and he has not received a reply after two letters. Virginia Congressman FRANK WOLF sent a letter to the Attorney General in March regarding concerns he had with transferring Guantanamo detainees to Alexandria. He has since sent two more letters. The Attorney General has not responded to any of these requests.

Democrats are also demanding that the administration provide details for how it plans to deal with the terrorists at Guantanamo. Senior Democrats are now acknowledging that the administration simply doesn't have a plan and are asking the administration to provide one. Members of Congress have a responsibility to ensure the administration is not taking any actions that endanger the American people, and we have a responsibility to protect our constituents.

It is unacceptable that the Attorney General is willing to discuss details about his plans for Guantanamo with foreign countries—foreign countries—but not with the American people or their elected representatives. Members of Congress deserve, and the American people expect, the administration to provide us with answers.

TRUSTEES ANNUAL REPORT

Mr. MCCONNELL. Mr. President, later today the trustees of the Social Security and Medicare trust funds will release their annual report which will give us an idea of the current and projected financial health of these programs. We do not know exactly what they will say, but we know the news will not be good. Everyone knows these programs are unsustainable under current conditions, and the problem is only getting worse.

Unfortunately, it is a problem the Democrats' budget does not address. Despite repeated calls from our side of the aisle, entitlement spending has been overlooked for far too long, and now it is completely—completely—out of control.

This is a fiscal crisis of the first order, and it is a crisis that cannot wait any longer to be addressed. Nearly 7 out of $10 the Federal Government spends every year goes directly to mandatory spending on programs such as Medicare, Medicaid, Social Security, and the interest on the national debt. Soon enough, Social Security, Medicare, and other entitlements will consume about twice the percentage of the Federal budget they did four decades ago. If we do not get control over this spending soon, we will only have a fraction left for vital priorities such as defense, health care, transportation, and other job creators.

We must address the issue of entitlement spending now before it is too late. As I have said many times before, the best way to address the crisis is the Conrad-Gregg proposal, which would provide an expedited pathway for fixing these profound long-term challenges. This plan would force us to get debt and spending under control. It deserves support from both sides of the aisle.

The administration has expressed a desire to take up entitlement reform, and given the debt that its budget would run up, the need for reform has never been greater. So I urge the administration, once again, to support the Conrad-Gregg proposal. This proposal is our best hope for addressing the out-of-control spending and debt levels that are threatening our Nation's fiscal future. More than 800,000 Kentuckians receive Social Security benefits, and we need to make sure the program remains solvent not only for them but for their children and their grandchildren.

Today's report will underscore the urgent need for action, and Republicans stand ready to work with Democrats and the administration to meet that challenge.

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

NATIONAL POLICE WEEK

Mr. REID. Mr. President, as a young man, I came to Washington, DC, to go to school. I came back here to go to school, and I went to law school during the daytime. I worked at night as a police officer here in this Capitol complex. I was a Capitol police officer. I had a badge. I still have that as my souvenir. It has a very low number. I was one of the early police officers, I guess. I worked the night shift. I worked from 3 to 11. Now, I did not do anything very dangerous, and that is an understatement. I watched the doors, helped with the crowds sometimes. The most dangerous thing I did—and the thing I disliked the most—was directing traffic. That was kind of dangerous because in those days they had these streetcar tracks in the middle of Constitution Avenue and Independence Avenue, and trucks, vehicles, would bounce around on those. But anyway, I did not do anything very dangerous.

Every year for decades now, police officers and their families have come to Washington about this time of the year to honor those who have risked their lives and to remember those who gave their lives. Having had a little experience as a police officer, I recognize the sacrifice these men and women who come here have made.

As I said, this is the time of year we honor those who have risked their lives and remember those who have given their lives during the past year. Three of those fearless officers we recognize this year serve in the Las Vegas Metropolitan Police Department. It is an outstanding organization. The work they do is intense, and I am very proud of the work they do. Three of these officers are here in the Capitol today.

Last June, police officer Blake Penny was chasing another vehicle, thinking perhaps the person was armed. But the suspect's car flipped over, end over end, and landed on its side. Officer Penny did what any good police officer would do: He went to the car to see if everyone was OK. The passenger came out with gun blazing and shot Officer Penny. Fortunately, he did not kill him. He shot him just above the knee. The other bullets did not hit Officer Penny at all.

It was then that Officer Penny's fellow patrolmen—Sergeant Steve Custer and Officer Christian Jackson—heard those frightening words over the radio that police officers hate to hear but hear them more often than they would like: ''Shots fired, officer down.'' They, of course, raced to the scene because one of theirs was down. In the meantime, even though he was unable to walk, Officer Penny courageously continued to exchange fire with the suspect.

When Sergeant Custer and Officer Jackson got there, they threw themselves into the line of fire to administer first aid to Officer Penny and pull him into their patrol car. Officer Jackson drove his wounded partner to the hospital, and Sergeant Custer—a police officer for 36 years—stayed on the scene until backup arrived. Sadly, the suspect was killed in the exchange of fire.

That is the work these brave police officers do every day.

This week, the National Association of Police Organizations is honoring these brave officers with what is called the Top Cops Award. Custer, Jackson, and Penny are Top Cops. They have been designated so by their fellow police officers. This is a tribute given to just a select few of the countless men and women who each year go above and beyond the call of duty.

Today, it is we who are honored to have them here in the Capitol with us. To Officer Blake Penny and his wife Marcia, Sergeant Steve Custer and his wife Marcela, and Officer Christian Jackson and his wife Barbara—they are Nevadans and Americans—Nevadans and Americans everywhere thank you brave police officers for your service and your sacrifice. We are fortunate to have people just like you protecting us every day, not only in the metropolitan area of Las Vegas but all over the country.

We also remember the brave officers who tragically lost their lives this past year.

In Nevada, last February, State trooper Kara Borgognone—a wife and mother of two—was investigating a bomb threat at a gas station in Spanish Springs, NV, when her car crashed. She died from her injuries. She was only 33 years old. Trooper Borgognone will be honored here in Washington this week at the annual National Police Week candlelight vigil for officers killed in the line of duty.

Just last week, in Las Vegas, Las Vegas police officer James Manor—a husband and a brandnew father—was responding to a call in the same community where he grew up. With red lights blaring, he was going to a place where a woman was allegedly being beaten. He was struck by a drunk driver and killed. Officer Manor was 28 years old.

This week, we pause to think of the selfless police officers who have fallen in the line of duty this past year and in years past and their loved ones who have lost a father, a mother, a son or a daughter, a husband or a wife, or even a friend. And we pause to thank those—just like these three brave officers who are here this morning—who each day go to work with a simple job—a simple job, Mr. President—to put their lives on the line to protect people they do not know.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with 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.

The Senator from Tennessee.

Mr. ALEXANDER. Thank you, Mr. President. Will the Chair please let me know when I have consumed 10 minutes?

The ACTING PRESIDENT pro tempore. The Senator will be notified.

Mr. ALEXANDER. I thank the Chair.

EDUCATION REPORT CARD

Mr. ALEXANDER. Mr. President, after 100 days, there have been a lot of report cards on the Obama administration. I would like, with respect, to offer one on a subject both the President and I think is of crucial importance: the education of the American people.

As a good teacher would—or as my late friend Alex Haley used to say: Find the good and praise it—I would like to start with the good grades on this report card. So to begin with, I give President Obama an A-plus for recruiting. His best appointee, in my opinion, is the new Education Secretary, Arne Duncan from Chicago. The Acting President pro tempore might agree with that. The new Education Secretary grew up, as I did, in a family where the mom was a preschool teacher—my mother in the mountains of Tennessee, his on the South Side of Chicago. He has a background for leadership. He has an agenda for rewarding outstanding teaching, an agenda for encouraging the largest number of charter schools possible, an agenda for encouraging States to set higher standards. He has a close relationship with the President. He is truly a blue-chip recruit. On the subject of rewarding outstanding teaching and charter schools, if he succeeds with that in 4 years or 8 years, it could be a Nixon to China exercise in education. So an A-plus for recruiting.

Then, here is another A-plus: for rewarding outstanding teaching. This is the greatest need we have in kindergarten through the 12th grade in America. Every problem we are faced with—after you deal with the question of having a good parent—has to do with a good teacher. Whether we are talking about a gifted child or the needs of a child with a disability or of a child who has come from a home where a book has never been read to them or whether they are in the mountains of Tennessee or on the South Side of Chicago, put a child with the best possible teacher, and the child almost always succeeds.

In 1983, when Tennessee became the first State to pay teachers more for

teaching well, not one teacher was being paid more for being a good teacher. Many good people have worked hard on that: Governor Jim Hunt, Governor Bob Graham, Senator BENNET of Colorado, Senator CORKER of Tennessee when he was mayor of Chattanooga. But it is hard to do, to find ways to reward outstanding school leadership and outstanding teaching, to pay some teachers more than others. But if we do not, we will not be able to attract and keep the best men and women in our classrooms and in our schools.

The President's new budget increases from about $100 million to $500 million the Teacher Incentive Fund, which has been a big success across this country. Thirty-four grantees—cities, school districts—across the country are experimenting with different ways of rewarding outstanding teaching. There is not necessarily one way to do it. It almost always has to be worked out locally. Most of these cities are working with their unions to make this happen. Memphis city schools are using their funds to train principles. Philadelphia's grant application was co-written by the local teachers union. The Northern New Mexico Network for Rural Education is working with four school districts.

As I said earlier, if Secretary Duncan and the President can leave a legacy of dozens or hundreds of school districts, or even States, where outstanding teachers are paid more for their skills—not just for being there a long time or for going back to school—that would be the single most important legacy they could leave.

Then, here is one more good grade: an A-minus for charter schools. Charter schools also have a little history behind them. They began in Minnesota. The last act I took as Education Secretary, in 1992, was to write every school superintendent in the country and encourage them to start charter schools. Albert Shanker, the head of the American Federation of Teachers, asked ''If we can have a Saturn plant, why not a Saturn school?''

What he meant was, why not start from scratch and take the union rules and the Government regulations off teachers and let them use their own good judgment to deal with the children who are assigned to them. The charter school is a pro-teacher idea. It has greatly expanded over the years, but it still runs into substantial opposition, usually from the National Education Association or other educators who do not like it. But these are public schools. These are designed to free teachers so they can use their judgment to help children. Secretary Duncan and the President are committed to them.

The Secretary and I cowrote an op-ed for a Tennessee newspaper 2 weeks ago, which apparently helped to influence the vote of the legislature to begin to move along raising the cap on charter schools in Tennessee. I hope it did. I thank the Secretary for his bipartisan support and commitment. Again, if he is able to succeed, working with the President, and leaves a large number of public charter schools in our country when he leaves office, it will again be a ''Nixon to China'' experience and the country will be deeply grateful. The only reason why it is an A-minus is there is not much support in the budget for the major obstacle in creating more charter schools, which is support for financing for new facilities.

Now for the bad news. Every parent has had this experience with the child's report card. Here is a D. That is for spending $80 billion over the next 2 years for more of the same in the Department of Education without even asking the question: Is what we are doing working? That is hard for me to imagine.

The budget for the Department of Education would be at about $70 billion, so we are adding $40 billion to it this year and $40 billion next year for more of the same. Is everybody delighted with the way our K–12 grade system is working in America? I don't think so. We are challenged by it. We need to change it. So then why in the world would we put more money in for more of the same?

The only thing that saves the grade from being an F is that there is $5 billion for the Secretary's Race to the Top, which is a good idea based on the agenda I described.

What would we have done with the money? Well, I would have suggested we give a Pell Grant for Kids to every middle- and low-income child in the country and $500 for a state-approved afterschool program. Let the parents choose: for music, for art, for catchup, for academic improvement. It would have poured billions into the school districts. It would have created some competition and middle- and lower income children would be given more options. That would be what we could have done.

Here is another unfortunate grade: D-minus. That is for the DC voucher program. I see the Senator from Illinois. I had this all prepared. I had no idea he would be here. He has been a major participant in this. What keeps this from being an F is that the President and the Secretary have said they will continue funds for the 1,700 children in the District of Columbia who are now in high school and who are continuing, but after that, it is gone. This is a death sentence for the program. This is a death sentence for the model of giving low-income parents choices of better schools—schools such as middle- and higher income parents have. It is the model that made our higher education system the best in the world.

Senator LIEBERMAN has said he will have a hearing on this DC voucher program. I hope he does.

Mr. DURBIN. Would the Senator yield for a question?

Mr. ALEXANDER. I will after I am finished. Well, of course, I will. I will be glad to do that as a courtesy to my friend.

I would say, first, the Senator from Illinois missed my first two grades, which were A-pluses to the President for recruiting—for blue chip recruiting of Arne Duncan and for the teacher incentive program, so he may have come in as I was giving the bad news.

Mr. DURBIN. Mr. President, I would say the Senator from Tennessee, as always, has been fair and balanced. I wish to ask him a question. Is he aware of the Department of Education's analysis of the DC voucher program and the results in terms of student achievement?

Mr. ALEXANDER. I am aware there are—the answer is yes.

Mr. DURBIN. If I could ask a further question: Is the Senator from Tennessee aware that when they surveyed the 1,700 students after 3 years in that DC voucher program, they found there was no measurable improvement among male students?

Mr. ALEXANDER. Well, I am not going to get into a detailed analysis with the Senator. I would say this: My view of American education is that we should give parents and students the opportunity to choose among the schools they go to. If there are four times as many children and parents who apply for this program than can be accepted, that would indicate to me that these parents and these families and these children think this is an opportunity they would like to have to improve their lives and improve their future.

Mr. DURBIN. I wish to ask the Senator from Tennessee if he feels we should hold those voucher schools accountable in terms of whether they are improving the education of the students who are sent to them with Federal support?

Mr. ALEXANDER. Oh, of course we should.

Mr. DURBIN. I would ask the Senator from Tennessee if he is aware of the fact that there was no improvement of math scores of the students in the DC voucher schools over a 3-year period of time?

Mr. ALEXANDER. I thank the Senator for his questions. I know he is the most ardent supporter of the idea of not using Federal dollars to give poor children the same choices that middle- and higher income children have. I respect that difference of opinion. I am going to go on with my remarks. But I believe it is a wise—

The ACTING PRESIDENT pro tempore. The Senator has spoken for 10 minutes.

Mr. ALEXANDER. Thank you very much. I am going to continue with the time on the Republican side, if I may. I look forward to a longer discussion with the Senator from Illinois on this subject. I would hope that when Senator LIEBERMAN holds his hearing, we will have a full discussion of why it is a good idea to say to poor kids and poor families: You can't have a choice of a better school, but people with money can. That is not the way we operate our college system.

This is our Nation's Capital. We are 3 years into a program. I have met with many of the children. Their lives are not going to be instantly changed in 3 years. There was much in the analysis that was completed by the Department of Education that showed the choices they made were helping the students academically and otherwise, and I will be glad to come back to the floor and discuss that when I have more time.

But let me go on to my concern beyond the DC voucher program to the bad news. I regret to say this, but the bad news has to do with Pell Grants and student loans. Pell Grants, of course, are the 5 million grants or scholarships that were made to low-income students this year to help them pay for college, with $19 billion that we have appropriated for that purpose this last year. Almost on the day it was announced that we had a $1.8 trillion deficit for this 1 year—four times bigger than it was last year—the President's budget wants to add $293 billion over 10 years to entitlement spending. That is automatic spending. That is the reason the country's debt is so high. Sixty percent of our spending is entitlement spending. I think the punishment for the administration should be that they should all be made to stay after school and write on the blackboard, each, 100 times: I will never, ever again add to entitlement spending, even for a worthy purpose. It is no gift to students to give them a scholarship to live in a country they can't afford to live in because it has an interest payment of $800 billion a year, which it would in the 10th year of the President's budget.

It is not as if the Congress has been stingy with Pell grants. They have gone from $7.7 billion 10 years ago to $19 billion today, and 5 million students are getting them. All we say today is if we don't have the money we have appropriated, we can't spend it on scholarships.

The President's proposal would say we are going to spend it whether we have it or not. Spend it whether we have it, despite the fact that our debt has grown to such levels that we couldn't even qualify to be admitted to the European Union, which is a huge embarrassment. That deserves an F and a stay after school and detention, as far as I am concerned.

Here is another F, and it is for student loans. There are 15 million of those student loans—about $75 billion—and what the President's budget proposes to do is turn this great recruit—this blue chip recruit, who I think has a good chance of being ''Educator of the Year,'' into ''Banker of the Year.'' He wants another Washington takeover, this time of student loans. Instead of letting 12 million students decide they would prefer to borrow from 2,000 institutions on 4,400 campuses all across America, they are saying: No—everybody just line up at the U.S. Department of Education to get your student loan.

The only justification for that, that I can see, is the administration says it might save the taxpayers money because the Federal Government can borrow cheaper than the banks can. Well, if that is true, then we ought to not have any private financial institutions in America; we ought to turn every financial institution into a national bank and let the President run them. Andrew Jackson, the founder of the Democratic Party, would turn over in his grave because he ran against the national bank during his whole political career.

It makes no sense to turn the U.S. Department of Education into a national bank for student loans. It should not be done. The savings are illusory. In the President's budget they say $94 billion is what will be saved, but they leave out the administrative costs which could go as high as $32 billion, and they leave out the fact that what they are doing is borrowing money at one-quarter of 1 percent and loaning it to the students at 6.8 percent.

So they are taking money from the students and using it to pay somebody else a scholarship, with the Congressman taking the credit. There needs to be some truth in lending here so that when students line up to get their student loans, somebody says: Did you know that the interest you are paying by working an extra job or by going at night is being used to pay somebody else's scholarship? If we take that part out of it, we could leave the program just like it is.

Twelve million out of fifteen million students prefer to have a private choice. They have had 15 years to choose either the public option or the private choice, and they have consistently decided they would rather deal with the community bank than a Federal agency.

Well, I am about through with the report card. The rest I would put under ''incomplete.'' There is still a lot of good-faith effort: Deregulating higher education is a goal of mine and Senator MIKULSKI's as well, and the new Secretary of Education has said he will work on that. More flexibility in No Child Left Behind is a goal of mine; it may be of the Secretary's as well. We can work on that.

My respectful suggestion to the President would be, instead of trying to make a tackle out of this wide receiver you recruited, instead of making Banker of the Year out of your Education Secretary, why don't you let him work on the education agenda? Why don't you let him focus on paying teachers more for teaching well and charter schools? If he runs out of things to do, to help parents, he could work on a tax system that is more favorable to parents with children; we used to have that in this country.

He could work on encouraging perinatal care so every child has a medical home or helping nurses to help parents in their homes so children can grow up healthy or to make sure we do nothing to discourage home schooling for dedicated parents or helping adults learn English. There are lines in Nashville and in Boston and in other cities of adults who wish to learn English.

He could encourage worksite daycare for parents who work and might take their child to work with them so they would be closer together. All that would be to help better parenting or to help create better teachers or better school leaders.

The Pell Grant for Kids I mentioned for afterschool programs or higher standards in data collection, I know the Secretary is interested in that. Teach for America, that is an important part of new energy in our schools. The Secretary, instead of trying to be ''Banker of the Year,'' could take on the teachers colleges which have had a hard time spending their time on such things as how to give parents more choices, how to reward outstanding teaching, how to make charter schools successful, or how to help newly arrived children learn English. He could expand the UTeach Program started at the University of Texas and which our America COMPETES legislation put into national law. That needs to be implemented.

Then, the summer academies, to help outstanding teachers and outstanding students of U.S. history so our children can grow up learning what it means to be an American. That would be a good thing to do.

I look forward to working with this new Secretary of Education. I give the President credit. I give him an A-plus for his recruiting. I give him an A-plus for his agenda for rewarding outstanding teaching and a high grade for his focus on charter schools. I am grateful for that. I stand ready to work with him.

I give him horrible grades for stopping the DC voucher program and another Government takeover, this one of student loans, and of taking money away from students who are getting loans to pay for scholarships for other students. That is not right. I think, in this day and age, when we are adding $1.8 trillion to the debt in 1 year, it is certainly no time to add $293 billion in entitlement spending to the budget over 10 years. The whole administration ought to write on the blackboard: I will never, ever again add to entitlement spending.

I look forward to working with the President and his outstanding new Secretary on that incomplete agenda. Many of the items I mentioned are things in which they are interested in as well and things which all of us in the Senate would want to do to help improve our system of elementary and secondary education, as well as our excellent colleges and universities.

I thank the President, and I yield the floor.

Mr. MERKLEY. Mr. President, I ask unanimous consent to speak in morning business on the Democratic time and that the Republican time be reserved.

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

CARD ACT

Mr. MERKLEY. Mr. President, I rise today to encourage all to join me in recognizing the nurses of America and their commitment to addressing the needs of patients and their families.

Today, on the birthday of Florence Nightingale, we celebrate National Nurses Day. This is appropriate since Florence Nightingale is known as the pioneer of modern nursing. National Nurses Week, which expands May 6 through May 12, focuses on recognizing the integral role nurses play in promoting public health and also highlights the work nurses are doing to improve health care for all Americans.

I know firsthand the critical role that nurses play in providing safe, high quality, and preventive health care. My wife Mary is a bedside nurse, and I am delighted that she has been able to join me today to help put a spotlight on the critical role nurses play in health care.

Whether they work in a hospital, community health center, physician practice, school, home health care, a skilled nursing facility, or other health care setting, nurses create better outcomes for patients.

Nurses are the cornerstone of our country's health care system. Nearly 3 million registered nurses work today in the United States. But even so, our country is facing an 11-year nursing shortage, and that shortage is projected to extend for at least a decade longer. Nurse faculty shortages and a huge and growing burden of tuition debt for nurse training are contributing to the shortage, even as new vacancies for nurse positions open every single day.

The nationwide nursing shortage has caused dedicated nurses to have to work longer hours and care for more patients at the same time. That does not contribute to quality nursing, and we need to address that shortage.

Quality nursing education is critical to ensuring that we have a sufficient number of qualified professionals joining the field. We need to ensure we are training not only the best and brightest to help out our patients but also bringing those nurses to join the ranks of nurse educators.

Providing adequate Federal funding for nursing workforce development programs authorized under title 8 of the Public Health Service Act is critical to ensure a sufficient nurse workforce to meet the growing demand. I am pleased to join a bipartisan group of colleagues in supporting an increased investment in title 8 which has been an effective solution with past nurse shortages. These programs support the education of registered nurses, advanced practice registered nurses, nurse faculty, and nurse researchers.

Additionally, title 8 programs focus on recruitment and retention, two other distinct areas impacting this shortage.

Over the last 3 years, flat title 8 funding, combined with rising educational and administrative costs, as well as inflation, has significantly decreased the programs' purchasing power. Subsequently, the number of grantees supported by the programs has decreased 43 percent over the past 4 years.

As Congress works to improve our health care system and ensure that every American has access to quality, affordable health care, we must ensure that we have a stable and well-trained nursing force.

We have an obligation to create a health care system that not only works for patients but also works for people at the heart of our patient care—our nurses.

In closing, I want to note that I am soliciting my fellow Senators to join me to form a Senate nursing caucus. The caucus will provide a forum to address issues affecting the nursing community and recognize and advance the important role of nurses in delivering high quality health care.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, mounting debt is taking a big toll on families throughout this Nation. That is why over the past few weeks we have passed bills to stop mortgage scams and to prosecute corporate fraud and to lower fees for homeowners and help them into stable mortgages. Today we have an opportunity to continue to put Main Street first.

Over the last several months, I have heard credit card horror stories from my families all over the State of Washington. I have heard from people who paid their cards on time but saw their supposedly fixed rates skyrocket unexpectedly or who had their minimum required payment doubled with no notice.

I have heard from families who are 1 day late on their minimum payment, so the card company hiked up their rate and charged them a late fee, which put their card over their credit limit and that incurred another fee.

I have heard from people who say their credit card company raised their minimum payment, and when they called to complain, they were offered their lower minimum payment back but only if they accepted a dramatic increase in the rate.

With so many of our families struggling to make ends meet today, it is especially important that we stand up to protect families from excessive credit card fees from unexpected hikes in interest rates and minimum required payments and constantly changing credit card agreements that are designed to make a profit by keeping families in debt. That is why we need to implement the Credit Card Accountability, Responsibility and Disclosure Act, or CARD Act, to help protect consumers from predatory and misleading lending practices.

The CARD Act we are going to be considering in the Senate today requires credit card issuers to give 45 days' notice of rate increases and to provide clear disclosure of term changes when accounts are renewed. It prohibits the so-called double-cycle billing where interest is assessed on the whole debt even when one portion was paid on time. It prevents card companies from using a contract clause to raise consumers' rates at any time for any reason that they choose. And it prohibits companies from issuing credit cards to anyone under the age of 21 unless the application is cosigned by a parent or guardian or the underage consumer completes a certified financial literacy course.

We are going to bring fairness back to the system by stopping financial institutions from taking advantage of consumers with hidden charges and misleading terms. No one should have to be surprised by changes to interest rates or their minimum payments. These steps are going to help us level the playing field and are going to save families thousands of dollars a year.

This bill addresses a number of things that are keeping credit card users in debt, and it is a good start. But at the same time we strengthen protections for credit card users, we have to make sure that people are empowered to make responsible decisions about their own financial future. Put another way, it is not enough to prevent credit card companies from changing the rules when too many Americans don't even know the rules in the first place.

The reality is that over the last several years, too many Americans have made poor or very often uninformed decisions about their finances. Too many overestimated their resources, didn't read the fine print, and didn't grasp the terms of their financial responsibilities before they signed on that dotted line. In fact, we have to recognize that too many Americans, from college students all the way to senior citizens, are financially illiterate.

I recently heard from a constituent of mine in Spokane County whose daughter had applied for credit cards shortly after she turned 18 years old. She, of course, didn't have much income and had difficulty making some of those payments on time. Her mom said one of those cards had a $500 limit. But instead of the bank declining purchases that would exceed that limit, each purchase she made went through and the bank charged a $37 fee for each and every one of them. Another bank charged her $7 every day because she had a $20 overdraft. Of course, she didn't have any hope of paying down those debts on her own.

Those are problems that could have been avoided if she had simply understood her financial responsibilities and the terms of her financial agreements. That is exactly why I have introduced

bipartisan legislation to make sure we help people develop the skills they need to make sound, informed financial decisions, from signing up for credit cards to taking out a mortgage to planning for your retirement.

The Financial and Economic Literacy Improvement Act of 2009 will require the Federal Government to step to the plate and become a real partner in helping Americans manage their finances and make good, informed financial decisions. It is a bipartisan bill. Senator COCHRAN has cosponsored it with me.

The purpose of the bill is to give young people the tools to make informed decisions about credit cards or student loans, to help them understand the importance of saving, and to have the knowledge to plan a comfortable and dignified retirement down the road.

We used to say the three Rs of school were ''reading, writing, and arithmetic.'' I think we need to add a fourth R: resource management.

Under our financial literacy bill, the Federal Government will become a strong supporter of making financial literacy education a core part of our K–12 education. The bill would authorize $125 million annually for our State and our local education agencies and their partnerships with organizations experienced in providing high quality financial literacy and economic instruction. That funding will help make financial literacy a part of our core academic classes. It will help to develop financial literacy standards and testing benchmarks and, importantly, provide teacher training. It will also help schools weave financial concepts into some of their basic classes, such as math or social studies.

The training will not end in high school. This bill makes the same investment in teaching financial literacy in our 2- and 4-year schools. Whether it is skyrocketing interest rates on credit cards or an adjustable rate mortgage you can no longer afford or a retirement plan they do not understand, I often hear the same thing from people: I wish they had taught me this in school.

Our financial literacy bill will ensure that we are teaching it in school and will help people learn those basic skills that are so necessary that will give them a leg up when they deal with their banks or credit card companies.

Let me be clear, credit is not a bad thing. When used correctly, credit can be a lifeline to the American dream. It can provide our entrepreneurs with the startup funds to become small business owners. It can help small business owners with the capital to grow into bigger businesses. And it provides families with the financial security to plan for their future.

But at this important time in our history, as we reflect on financial practices, it is very important that we work to restore our credit card responsibility for lenders and for consumers. That is why I am working to support this bill and my financial literacy legislation.

Just as families and consumers cannot afford unforeseen rate hikes and exorbitant card fees, we cannot afford for our young people today to not understand their own finances.

I congratulate Chairman DODD on crafting the CARD Act, and I hope the Senate passes it quickly this week. I look forward to continuing to put priorities of Main Street first and following through with that next step that is so important: passing the Financial and Economic Literacy Improvement Act.

I yield the floor and suggest the absence of a quorum.

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

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. 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.

Mr. DURBIN. Mr. President, in our home State of Illinois, we are losing about 2,000 jobs a day. It is an indication of the economy going through a recession and the hardships that are being created across this country. There is some good news, in the sense that perhaps we are turning a corner. I hope that is true. But let's not forget the victims and those who are casualties in this economic recession.

I recently received a letter, which I would like to read into the RECORD, from one of my constituents in Illinois—from Hodgkins. This is what she wrote:

> DEAR SENATOR DURBIN: I am a 61 year old female. I have raised 6 children without the benefit of welfare, except for 6 months. The State of Illinois was unable to collect court ordered child support. At one time I was working three jobs to support us. I am not bragging but stating a fact that I am not afraid to work. My children are now adults and I was, up to August able to support just myself and finally live on my own. For the last 23 years I have worked full time at a dry cleaners. I now find myself downsized to part-time, hourly instead of salary and in a position of real fear. I do not have a pension. I no longer can afford health insurance. My question to you is, ''What is going to happen to me and those like me?'' Thank you for letting me vent and for listening.

I read this letter and saw my response. The staff prepared a good response about the issues of health insurance and the President's stimulus package and what we are trying to do. And I thought it just isn't enough. I handwrote a response to her and let her know I had not only read her letter, but I was moved by this letter.

Many of the issues we debate on the floor of the Senate relate directly to this woman who has struggled through her entire life to provide for her children and take care of herself without leaning on the Government, and now she finds herself, at 61 years of age, in a very vulnerable position. She has to wait 4 more years before she qualifies for Medicare. She has no health insurance. She is totally vulnerable to an accident or a diagnosis that can literally wipe out any meager savings she has put together and put her in a terrible position.

People who face this do desperate things trying to keep things going. Many of them turn to credit cards, if they are lucky to have one. Too often they get too deeply into debt to those credit cards, and the outcome is not good. That is why the debate we are starting today on the floor of the Senate about credit card reform is one that is very timely. People across America are using these credit cards in an effort to try to stay afloat when they face a recession.

I receive countless letters, in addition to the one I just read into the RECORD from Illinois, with stories about credit card companies specifically. One woman wrote that she opened her statement recently to find her credit card rate had jumped from 3.9 percent interest to 26.9 percent interest. She phoned her credit card company, and she was told her last payment had been posted 2 days late because of a technical problem at her bank, which automatically pays her credit card bill each month. She did nothing wrong. Yet she was treated on the phone like a criminal, in her words, and faced this dramatic increase in the interest rate she had to pay on her credit card.

Another gentleman wrote that he paid $7 less than his minimum payment 1 month and was immediately fined an $85 fee. Another wrote that his credit card interest rate was increased from 8½ percent to 22½ percent. Yet he had never made a late payment or done anything else to justify the rate increase.

These people who wrote to me are totally at the mercy of the banks and these credit card companies. President Obama was right to call on the credit card companies to stop this sort of outrageous behavior. Chairman DODD reported a very good credit card bill out of the Banking Committee, and I am pleased the Senate is going to take up a version of that bill this week.

The bill would bar many of the most abusive credit card practices that banks have dreamed up over the years, including harmless sounding policies such as universal default and double-cycle billing, which in fact are terrible for credit card borrowers.

The bill includes a provision that I have been promoting for nearly 10 years. The bill would require that each credit card statement include, in clear terms, the cost of paying only the minimum amount due each month. Credit card statements would have to include two things: how many months it would take to pay off the full balance if no more purchases were made on the card and if you just made the monthly payment, and how much interest the borrower would need to pay during that

period. If people better understood just how expensive it is to pay only the minimum amount due each month, many people would save huge amounts of money over the long term by paying a bit more on their balances.

There are many good provisions in the bill such as the one I just mentioned, and I might add this is not a new idea. This is an idea I brought to the Senate 8 or 9 years ago during the debate on bankruptcy reform. I said we are talking about people getting in debt and ending up in bankruptcy court and that they should at least be given fair notice on their monthly credit card statements about what a minimum monthly payment means. Tell them how much interest they would pay and how long it would take to pay them off.

The banks and the credit card companies came back and said: DURBIN, it is impossible to calculate; too difficult to calculate; we just can't do it. They fought me and defeated my amendment. That was about 9 years ago. Thank goodness we hung in there, and thank goodness Chairman CHRIS DODD on the Banking Committee took this provision which I had offered so many years ago, put it back in the bill, and this time the banks have had to accept it.

I also wish to make this bill a little better, if I can, by setting limits on the credit card industry going forward. I plan to file three amendments this week. One would establish a new regulator, whose sole purpose would be to look out for the best interest of the consumers of financial products.

Understand what happens: If you go to the store today and buy a toy for your child, you fully expect that somewhere, someone is taking a look at it to make sure it is safe. You don't expect it to have lead paint that an infant or toddler might chew on, swallow, and have a negative health outcome. You wouldn't expect the toaster you bought to be faulty and catch fire in your kitchen. You wouldn't expect the television set to blow up when you take it home. These are things you assume somewhere along the way someone has done some basic inspection of the product.

Well, we found a few years ago that our inspection services were not good enough. The Consumer Product Safety Commission was not doing its job effectively. Those lead-based painted toys were coming in, and other dangerous toys, and so now we have completely reformed the law governing that commission, given them more authority and more power and more staff to protect American consumers. It is a minimum that we expect as consumers in America, that somebody is keeping an eye on these products before they hit the shelves so that we can go ahead and shop with some confidence.

But what about financial instruments? How many Federal agencies keep an eye on credit cards to see if they are doing something with their new practices which are abusive and shouldn't be allowed in this country? How many of them are taking a look at mortgage instruments to see if there is a provision in the mortgage instrument that is being offered in America that is dangerous for consumers?

Let me give an example of one: prepayment penalty. Know what that means? You enter into a mortgage agreement, and if you are not careful, and you don't have somebody helping you, you might miss in one paragraph in that stack of papers you get at closing which says, if you decide to prepay the mortgage, there is a penalty. It turns out that started in 2004. And because of a prepayment penalty, which many consumers weren't even aware of, they were hooked into mortgages where the interest rates exploded. So instead of being able to say, oops, I am going to push this old mortgage aside and get a new one at a lower interest rate, you can't do it without paying a significant penalty—a prepayment penalty. So people were trapped into expensive high-interest mortgages.

You would think that somewhere along the way someone would have waved the red flag and said to consumers across America, watch for this; prepayment penalties can become a hardship on you if you have one of these adjustable mortgages. But that wasn't done. Despite the fact there were Federal agencies that had the responsibility to keep an eye out for it, they didn't blow the whistle, and of course didn't have the authority to stop it from happening.

What we are creating here is the Financial Product Safety Commission—a commission which would play the same role when it comes to financial instruments that the Consumer Product Safety Commission does when it comes to the toys and appliances and cars and other things we buy, so we would have an agency not only with the authority to look at what is happening out there but to do something about it.

Trust me, as good as this credit card reform bill is—and I am hoping we can pass it, and I am hoping the banks won't stop it when it gets to conference committee, and I am hoping the President will be able to sign it—the next day the people in this industry will sit down and say, how do we get around it? What is the next thing we can do that they didn't cover? Trust me, that is what is going to happen. You know it. So wouldn't it be good to have a watchdog agency that keeps an eye on the financial industry and credit card industries on behalf of consumers?

There are 10 different Federal agencies which are supposed to have that responsibility, but few, if any, actually exercise it. Few, if any, say there are certain practices that are unacceptable, illegal, and we are going to stop them.

The second amendment I will file will be a Federal usury cap at a very high level. What is a usury law? It is a limit on interest rates. There was a time in America when that was considered normal; States would have usury caps. The Federal government had a usury cap. But then they went away in the interest of competition and free markets. We decided we were not going to put a cap on interest rates, and so it has reached the point where there are very few usury caps left. What I have established, as the maximum, is 36 percent.

Nobody in their right mind would pay 36 percent on a mortgage, or 36 percent on a credit card. I mean, you would have to be out of your head to get into that kind of a predicament—a 36-percent annual interest rate. But the fact is Americans right and left are paying much higher interest rates today and don't know it—payday loans, title loans, installment loans. Sit down and do the math and figure out to borrow a hundred dollars and what you end up paying, whether you are going to one of those places and putting up the title of your car or letting them have access to your checking account, which is a deadly thing to do from a credit point of view. You end up paying interest rates that go through the roof. I have actually had people sit in my office and say, Senator, this 36-percent cap on interest rates will put us out of business. I said: Well, how much do you charge? Well, somewhere between 58 percent and 400 percent a year. I said: I hope you do go out of business, because, quite frankly, they used to call that a juice loan when the syndicate and gangs were involved in it, but now it is legitimate. It is legal.

So this 36-percent cap on interest is something which I know will be resisted by banks and title loans and payday loans and all the rest of these folks, but it is about time we got real here. If we are not going to protect the American consumers when it comes to some of these interest rates, they are going to be very vulnerable to some bad practices.

The third amendment would allow retailers—the department stores, convenience stores, restaurants—to offer consumers discounts if they use less expensive methods of payment. For example, they would say: If you give us a credit card, here is your bill; but if you pay in cash, if you pay by check, or if you pay by a debit card, we will give you a discount. I don't think that is unreasonable. Because when it gets down to it, the extra charges the establishment has to pay for the use of a credit card are kind of hidden inflaters in the cost of the product you buy. If you can get a discount, I think it would be very helpful.

Ultimately, I believe these three amendments would move us toward a better bill. We are going to work with the sponsors of the legislation to see the best time and place to consider these amendments, and I am certainly open to any good-faith effort to give us our day in court, as we say here in the Senate, to debate these issues.

I might say that when it comes to the Financial Product Safety Commission, it has the support of the Consumer Federation of America, the Center for Responsible Lending, Leadership Conference on Civil Rights, and a wide array of groups that try to look out for the average person in America who can't afford high-paid lobbyists to try to protect them against some abuses and exploitations.

I think this is a move in the right direction. I commend this bill to my colleagues. I hope we can add some significant amendments to it and I hope at the end of the day we will do something for the lady who wrote me, who now has seen her hours at the dry cleaners reduced, faces some of the hardships of this economy, and is hoping that somewhere, someone on Capitol Hill will be keeping her interests in mind when we consider this significant and historic legislation.

I yield the floor and suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

Mr. DODD. Madam President, I am told we can yield back all time in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is now closed.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 627, which the clerk will report.

The assistant legislative clerk read as follows:

A 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.

Pending:

Dodd/Shelby amendment No. 1058, in the nature of a substitute.

Mr. DODD. Madam President, I see my friend from Oklahoma is here and I gather has an amendment. I would be happy to entertain that amendment at this hour, if he cares to offer it.

Mr. COBURN. It was my understanding the Senator was going to put down a substitute bill?

Mr. DODD. It is already submitted.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, it is my understanding the substitute is open for amendment, is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1067 TO AMENDMENT NO. 1058

Mr. COBURN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1067 to amendment No. 1058.

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

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

The amendment is as follows:

(Purpose: To protect innocent Americans from violent crime in national parks and refuges)

At the appropriate place, insert the following:

SEC. ___. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that ''the right of the people to keep and bear Arms, shall not be infringed''.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that ''except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net''.

(3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not ''possess, use, or transport firearms on national wildlife refuges'' of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

AMENDMENT NO. 1068

Mr. COBURN. Madam President, I send another amendment to the underlying bill to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Let me suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Madam President, I ask unanimous consent the order for the quorum call be rescinded to ask a question of the Chair, a parliamentary inquiry.

The PRESIDING OFFICER. Is there objection to terminating the quorum call?

Mr. DODD. Reserving the right to object, is this just a parliamentary inquiry?

The PRESIDING OFFICER. The Senator cannot reserve the right to object. Is there an objection to terminating the quorum call?

Mr. DODD. I do object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll.

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

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

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1068.

Mr. DODD. Madam President, I ask unanimous consent the amendment be considered as read, and I suggest the absence of a quorum.

The amendment is as follows:

(Purpose: To protect innocent Americans from violent crime in national parks and refuges)

At the appropriate place in the bill, insert the following:

SEC. ___. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that ''the right of the people to keep and bear Arms, shall not be infringed''.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that ''except as

otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net''.

(3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not ''possess, use, or transport firearms on national wildlife refuges'' of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. COBURN. Madam President, I have a cloture motion.

The assistant legislative clerk proceeded to call the roll.

Mr. SHELBY. 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. SHELBY. Madam President, I rise in support of the Dodd-Shelby substitute amendment.

Nearly every adult American has at least one credit card. They provide convenience, access, and service. They have become an essential tool for conducting financial transactions in this country and all over the world.

The existing rules governing credit cards, however, no longer strike the right balance between the interests of credit card companies and the consumer.

Credit card contracts are unclear at best, and thoroughly confusing at worst. Card issuers raise rates for unclear reasons, use billing methods that consumers do not understand, and assign fees and charges without warning. The bill seeks to remedy this by providing consumers with greater transparency, fairer terms, and more certainty in their dealings with the card issuers.

During the committee markup before the Banking Committee, I made it clear that I shared many of Chairman DODD's goals with respect to this issue. For example, I supported prohibiting double-cycle billing, banning the practice of universal default, limiting certain fees, and placing some restrictions on credit cards issued to young adults in this country.

I also thought consumers deserved more and clearer disclosure regarding the terms of their agreements. Finally, I expressed to Senator DODD the view that we should codify the Federal Reserve rules in a statute to ensure that they become permanent and not subject to the whims of future regulators.

At the markup before the Banking Committee, however, I indicated there were some areas where Chairman DODD and I disagreed at that point. Most notably, the original draft would have prohibited card issuers from using risk-based pricing for existing cardholders, both retrospectively and prospectively. I did not think it was wise to abandon the concept of risk-based pricing.

Without the means to price for risk, the credit card companies would be forced to impose significant costs to all—all—users of credit because they would be unable to account for the particular risk of an individual borrower. It would also be much more difficult for card issuers to innovate and create new products and services.

I believe credit should be priced according to the risk profile of each individual. Consumers who prudently manage their use of credit deserve to be rewarded with lower prices and better terms. Moreover, they should not be forced to subsidize the bad habits of others. I also believe markets must have the freedom to adapt to new circumstances and consumer demands.

In the weeks that followed the Banking Committee markup, I worked with Senator DODD to craft a compromise that allowed for the use of risk-based pricing. The Dodd-Shelby amendment before us allows card issuers to price risk but requires that they consider both positive and negative changes in the consumer's risk profile when setting rates and terms. This means that consumers will pay more when their credit risk goes up and can have their rates reduced when it comes down.

In total, the Dodd-Shelby substitute amendment reflects a broad, bipartisan compromise on many of the issues I raised in the committee. It prohibits double-cycle billing, the practice of universal default, and places restrictions on credit cards issued to young adults. It limits certain fees, provides more robust disclosure, and provides consumers with statutory certainty. It also preserves the fundamental concept of risk-based pricing, which is vital to the ongoing function of the credit card market.

I am hopeful this legislation has struck a better balance between the needs of consumers and the credit card companies. I am also hopeful this balance in design ultimately results in a balance in fact. To ensure this, I asked that we include a provision in this substitute we have offered that requires the Federal Reserve to track the impact this legislation has on the cost and the availability of credit and to report its findings to the Congress. Over time, if the Federal Reserve finds we have not achieved that balance, in fact, we will be made aware and we should not then hesitate to make the necessary changes.

This legislation addresses some practices that are simply unnecessary. It gives consumers the chance to have a more equitable relationship with the credit card companies. It also preserves the basic framework necessary to maintain the function of a very important marketplace.

I look forward to working with Senator DODD, the chairman of the committee, on the floor of the Senate on this bill, and I urge my colleagues on both sides of the aisle to support the substitute amendment offered by Senator DODD and myself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I wish to take a moment to thank my good friend and colleague from Alabama, Senator SHELBY, the former chairman of the committee and a very good partner to work with. I wish to thank Bill Duhnke, Mark Oesterle, and Jim Johnson, as well as Amy Friend and Charles Yi and Lindsey Graham of my office who did a terrific job of working together over long hours, including up and through a good part of this weekend, to reach an agreement on the substitute.

Senator SHELBY and I have worked closely together over a number of years, but during the last 2½ years of my chairmanship of the committee, I could not have asked for a better partner on this issue of trying to develop whatever we can in terms of bipartisan solutions to problems. This is an example. I suspect many people thought it would not be possible. This is an issue that has divided people in the past—dealing with credit card reform and the needs of consumers—but because of the

hard work and because of the determination to try and reach that agreement, we are proud to announce today that we have a substitute to offer to our colleagues.

It is not everything everyone would like. There are certainly people who will oppose this legislation because they think we have gone too far. There are others who think we should be going much further. They will make cases for that, I presume, in an amendment process. But this is a body of 100 Members. We deal with the other side of this building as well, not to mention the White House and other interests, in trying to meld those together. Major steps forward are not an easy task, but it is made easier when you have people you can work with who understand the legislative process and who are willing to sit down and try and compromise where we can on behalf of the people we represent.

This is a bill we are going to try to pass, not because the President wants it, not because Senator SHELBY wants it, and not because I want it but because the American people need it. They are paying outrageous fees. They are watching exorbitant interest rates go up. Seventy million accounts over an 11-month period and one out of four families watched credit card interest rates go up, in many cases at any time and for any reason; not because they were late on payments, not because they failed to pay but because the industry has the right, under their contracts, to change those terms for any reason, at any time. That is unfair.

There is no other contractual relationship that I know of—when you buy an automobile, when you buy a home, when you buy appliances, there is a contract. You don't change the terms of the contract after awhile because you don't like them or because you want to raise the rates. There is an understanding there is a responsibility. Consumers have it but lenders have it, too, in this case the issuers. But with 70 million accounts going up, interest rates going up, affecting 1 out of 4 families at a very difficult time: when 10,000 families are losing their homes every day and 20,000 losing their jobs, the idea that the card companies will raise those rates and add on fees is outrageous, and it affects every demographic group. It doesn't affect just one income group; it is across the country. All of us hear, on a daily basis, stories from our constituents about these egregious behaviors. So our bill is designed to deal with this.

We like credit cards. They are a wonderful vehicle. They are a valuable vehicle for many people. This is not to be punitive. It is certainly not an expression of our opposition to the use of these vehicles. It is when these vehicles are being abused by the issuers at the expense of consumers when we must step in and change the rules, and that is what we are doing with this legislation.

I am pleased to be able to stand here, once again, with my friend from Alabama and thank him on the floor of the Senate for his cooperation in pulling this together. We urge our colleagues to take a look at the bill, come on over, ask us and our staffs about it. We will be glad to have a conversation with you. We are grateful as well that groups such as the Consumer Federation of America and others are strongly supporting this legislation.

This is a unique moment and opportunity. We spent the last 6 or 7 or 8 months talking about financial institutions and getting them stabilized. We talked about TARP money, automobile bailouts, and all of those sides of the equation. How about taking a week out to do something on behalf of the consumer, the average citizen who is suffering terribly in this economic time and paying outrageous fees, outrageous interest rates; taking 1 week out to do something on their behalf, while we have tried to do some of these other things. It is long overdue. My hope is we can do it this week and send a bill to the President of the United States that accomplishes the goals we have outlined with this legislation.

With that, I see my colleague from Florida and I yield the floor.

Mr. NELSON of Florida. Madam President, I ask unanimous consent to speak as in morning business.

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

AMERICAN JOURNALIST RELEASED

Mr. NELSON of Florida. Madam President, the morning's newspapers chronicle the happy fact that the American journalist Roxana Saberi was released from prison in Iran. This is a happy occasion, certainly for her and for her family, as she has been in Iran since 2003. She has been a journalist for National Public Radio and the BBC. She ostensibly was arrested by virtue of having bought a bottle of wine and the charges were later elevated to working without press credentials and espionage.

The fact is the U.S. Government weighed in on this. Secretary Clinton, in a meeting with one of the high Iranian officials that had been called to a conference on Afghanistan in the Hague, the United States handed the Iranian diplomats a letter calling for the release of Ms. Saberi and, along with that, in that letter, calling for the release of Bob Levinson and Esha Momeni. Bob Levinson is from Florida. He has a wife and seven children. He disappeared from the island of Kish over 2 years ago. We have reason to believe he is being held in a prison, perhaps the very same prison where Ms. Saberi was held. Each time his name is brought up to any Iranian officials, be it by me, be it by any other representative of the United States, the standard line is: We don't know anything about him, but usually that Iranian official will then change the subject to the three Iranians being held by the Americans in Irbil, Iran.

If they are suggesting some kind of exchange by consistently doing this—whether it is with American officials or whether it is with the Swiss officials who represent us in Tehran; whatever it is—the release of Ms. Saberi is certainly a good first step. If the Iranians want a better relationship with the United States, clearly the new administration has offered that. Now it is up to the Iranian officials. They did the right thing by releasing Ms. Saberi yesterday. If they want to additionally show a humanitarian gesture of returning a father and a husband to his wife and seven children, what better chance than to release Bob Levinson.

This Senator has met with the Iranian Ambassador to the United Nations and, of course, received no information, even though the Iranian Ambassador was very gracious in his hospitality. Perhaps he did not even know, because in some of the information I expressed to him, he expressed surprise. Whoever knows about it, whatever compartmented part of the Iranian Government knows about it, it is now time. If Iran wants to have a better relationship with the United States, this would be the next humanitarian gesture: release Bob Levinson.

Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009—Continued

The ACTING PRESIDENT pro tempore. In my capacity as a Senator from the State of Illinois, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent to speak for 5 minutes on an amendment I intend to offer but I will not offer at this time.

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

Mr. GREGG. Mr. President, I have an amendment which I intend to offer at the proper time. I understand there is a bit of a parliamentary issue right now relative to amendments.

I intend to offer an amendment dealing with the issue of debt. Obviously, this is a credit card bill, and debt is the topic of the day. But I am talking about the debt of the United States. One may say: How does this affect the credit card bill? The interest on credit cards is driven in large part by what it costs to get money, and what it costs

to get money is driven in large part by how much debt the United States has to finance every year.

We are, unfortunately, in a situation where we are financing a massive amount of debt. Regrettably, a lot of that debt is the result of the fact that the Government has had to move in and basically be the force for liquidity in our economy, and thus the deficit has been driven up dramatically.

The President estimated the deficit this year to be $1.8 trillion. This is a massive number, almost incomprehensible for most people to understand. It represents four times more than the highest deficit I have ever seen. More importantly, it reflects the fact that for every dollar we are spending in the Government today, 50 cents of it is borrowed, essentially. So we are borrowing half the money we are spending. That is a lot of debt. That adds to what is known as the national debt. Right now, the national debt is about 40 percent of the gross national product. That is a survivable event, but after this deficit this year, it is going to move up significantly.

Unfortunately, under the budget the President brought forward, it is projected that there will be $1 trillion of new deficit every year for the next 10 years. The practical implication of that is the national debt grows astronomically. In fact, it doubles in 5 years, triples in 10 years, and at the end of 10 years, we will have a national debt which is 80 percent of the gross national product.

To try to put that in context, because those are all just numbers, if we as a nation wanted to get into the European Union, they have certain standards where they say you have to be a responsible country in your spending, how much you are spending and how much you are borrowing. Two of the standards are that you cannot run a deficit that is more than 3 percent of your gross national product, and the second is, you cannot have a national debt that exceeds 60 percent of your gross national product. This year, we will run a deficit that is 12.5 percent of our gross national product and we will have a national debt that is 40 percent and going up. It will become 80 percent in a brief period of time. So under the rules of engagement for joining the European Union, we would not be allowed in. Can you imagine, the United States could not get into the European Union, but Latvia or Lithuania could? Obviously, we do not want to be in the European Union, but when the industrialized part of the world sets a standard for responsibly governing and we don't meet it, then something is fundamentally wrong.

What is wrong is we are passing on to our children a deficit and a debt which is unsustainable, which means essentially they will not have the type of prosperity we have had. It means they will have to pay so much in the way of maintaining the cost of the debt that they will be unable to afford buying a home, sending their kids to college, or living the quality of lifestyle our generation has had. It is not fair for one generation to do that to another generation, and it is especially not fair to do it in the dark of the night where the American people do not know what is happening, where they do not have the information needed to make intelligent, thoughtful decisions on how fast they want this debt on their children to go up.

This amendment is an attempt to basically have full and fair disclosure of what is happening with our national debt, how big it is getting, how much it is going to cost, and who is going to have to pay it—the American people. It has three basic elements.

The first one is that there is a point of order created in this bill against any spending, any revenues or any appropriations legislation which doesn't have as part of its statement what effect that has on the national debt—in other words, how much it is going to add to the national debt—and what effect it has on every American in responsibility for that debt. For example, the budget that was passed—the President's budget, which I didn't vote for but which was passed anyway, the President's budget will increase the debt on every American household by $133,000—$133,000—and it will increase the interest which each American has to pay on that debt by $6,000.

People should know that, in my opinion. That should be fully disclosed. If we are going to have full and fair disclosure, and we should, of what a person's credit card obligations are and what a bank requires in the area of interest payments and what a bank requires in the area of payment standards and how they can change interest payments, we should have full and fair disclosure to the American people of how much their debt is because they are American citizens and how much interest they have to pay on that debt because they are American citizens. Because in many instances, $6,000 of annual interest cost to pay off the Federal debt will exceed a lot of people's payments on their credit cards, and $130,000 of debt per household exceeds, in many instances, the mortgage on a lot of people's homes. People should know the type of debt and deficit that is being loaded onto them by this Government, which is massively expanding the spending of the Federal Government.

The first item says there will be a point of order, and unless a bill comes to this floor and is open and transparent on the issue of how much debt it creates per household and how much gross debt it creates on the American people, it will take 60 votes to pass that bill. It will be subject to a point of order.

The second amendment will be to formally disclose this information by using the IRS, by putting in place a system where in the IRS instructions for your 1040 form you will be informed of how much debt is owed and what the debt is per person in this country. You will be kept posted as a citizenry to suggest what is happening to you and your country relative to debt and deficits for which you have to pay.

The third item, in order to keep people informed and have transparency, will require that every home page of every Federal agency must have what is known as the debt clock, which shows how much the debt is going up on a daily basis. So that if you are trying to find some program at HUD or trying to find some program at the SBA or trying to find some program at transportation, when you go on that site, you will be informed immediately as to what the debt of the United States is and how much it is going up. This is fair and transparent and it is appropriate.

Remember what is driving all this debt, and I think that is important for people to understand. This debt is being driven primarily by a massive expansion in spending. The President said—and I admire him for his forthrightness—that he believes you can create prosperity by dramatically growing the size of the Federal Government, by increasing the spending of the Federal Government. In his proposal, under his budget, it will take the spending of the Federal Government from 20 percent of gross national product up to 23, 24, 25 percent of gross national product. Those are huge numbers in the way of increase. We have never had that type of spending level in this country, except during World War II. Historically, the spending of the Federal Government has been about 20 percent of GDP, not 21, not 22, not 23, and not 24.

But that is the proposal of this administration because they generally believe in and they have stated it and they put out a budget which has called for this massive expansion in spending. I don't happen to agree that is the way you create prosperity. I believe the way you create prosperity is having a government you can afford, having a government which you pass on to our children which is affordable to them, and giving individuals the opportunity to take risk and go out and create jobs.

It is very hard, for example, for a small businessperson to invest in their small business—whether it be a restaurant or a small software company or a repair shop—if their taxes are going to have to go up at such a rate in order to pay this debt that the money they would have used to invest for the purpose of creating jobs is skimmed off by the Government for the purposes of funding this massive expansion. That is not the best way to create prosperity. It makes much more sense to have a manageable government.

We are not talking about cutting the size of Government. Nobody is suggesting that. It doesn't happen around here. We are talking about having it be a reasonable size, something that is affordable, something our children can

pay for, not something that creates a debt and a deficit that is so high it is unaffordable.

Here is another number that is important or interesting. At the end of President Obama's budget cycle here, the interest on the debt will be over $800 billion a year. That is interest. Interest on the Federal debt will almost be $1 trillion a year. That will be more than we spend on national defense. It will be, by a factor of five or six times, more than we spend on education, more than we spend on roads. That is not right. We shouldn't be spending all this money on interest. We should be spending it on real programs that do real things to benefit real people. But you can't do that if you run up the debt so much.

It seems reasonable that we should have full and fair disclosure to the American people not only about their credit cards and how they are being treated by their banks or the issuer of the credit cards, but we should also have full and fair disclosure to the American people about what the Government is doing to them, about what this Congress is doing to them, about the amount of deficit and debt that is being put on their back on a daily basis as we spend money around here as if there is no tomorrow.

That is all this amendment does. It shouldn't be all that controversial because these are fairly reasonable things. We should inform people, when we have a bill as to how much that bill is going to cost in the way of added debt, not only to the national debt but to each citizen who is going to have to pay for that bill. We should send out with your IRS forms a summary of how much debt is owed and how it will affect you as an individual. When you go on a Federal site, you should be able to find out fairly easily—and it should be set right out there so it is transparent and clear—what the national debt is and how quickly it is going up.

Believe me, credit cards are an important issue in people's lives. The way they are handled is important. But equally important, especially for our children, is going to be how much deficit and how much debt we run up as a government.

I appreciate the courtesy of the majority side in allowing me to speak at this time.

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

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the time until 5:45 p.m. be for debate with respect to Coburn amendment No. 1067, with the time equally divided and controlled between the leaders or their designees; that no amendment be in order to the amendment prior to a vote; that adoption of the amendment require an affirmative 60-vote threshold; further, that if the amendment achieves that threshold, then the amendment be agreed to and the motion to reconsider be laid upon the table; that if the amendment does not achieve that threshold, then it be withdrawn; provided that amendment No. 1068 be withdrawn upon disposition of amendment No. 1067; that no further amendments on the subject of these amendments be in order to H.R. 627; and that at 5:45 p.m. today the Senate proceed to vote in relation to amendment No. 1067, and that of the time of the Republicans, Senator COBURN be given 20 minutes, and of the Democratic time, Senator FEINSTEIN be given 15 minutes.

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

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, would you advise me when I have 10 minutes remaining?

The PRESIDING OFFICER. I will.

Mr. COBURN. Let me say to the majority leader before he leaves, I want to thank him for his good-faith effort in working with us on this amendment. I appreciate the manner in which he has done that.

I want everybody to know what my motivation is. This is not about a political vote. I know it seems that way, but that is further from the truth than anything that I know. This is about the U.S. Constitution.

We have two agencies within the Federal Government that, through bureaucratic means, not a vote of Congress, have limited severely the second amendment rights of individuals in this country, both on National Park and Fish and Wildlife Service land. That is 190 million acres—190 million acres.

So the motivation is for the Congress to decide when we are going to take away rights guaranteed under the Constitution. We have had a recent Supreme Court ruling that has upheld the second amendment in a strong fashion for what it really is, and this is reserved to citizens of this country.

This is not about hunting. This is not about having a gun to go hunting. A lot of people are going to make statements about, this is going to increase poaching. It does not have anything to do with that. It will not affect that at all.

In fact, on U.S. Forest Service land, the second amendment reigns as a right guaranteed under the Constitution. Under Bureau of Land Management land, the second amendment reigns. They do not have any significant increase in poaching versus the areas where we do not have guns. So the point is that people who are going to break the law are going to break the law. So we see no difference.

The second point I would make is that this is about States rights. Senator FEINSTEIN is going to come down and talk about this. But if California decides they do not want guns in their State parks, they do not have to have them. If they decide that, then this amendment would say they do not have to have them in the Federal parks.

What it says is that we are going to allow the States the right to determine, under their gun laws, who can have a gun and where, as long as it passes the muster of the U.S. Constitution.

So this amendment has two key points. One is to protect the second amendment; and if we are to choose to eliminate somebody's second amendment rights, the Congress ought to be onboard as affirmatively limiting those rights rather than bureaucrats.

The second point is to say that States should reign supreme in terms of their parks and the national parks in their jurisdiction so that they have coverage over what their State gun laws would have in terms of application.

Let me reveal data, talking about national parks, that I don't believe many people are aware of. The latest year for which we have statistics is 2006. There were 16 homicides, 41 rapes, and multiple attempted rapes, 92 robberies, 16 kidnappings, 333 aggravated assaults, and 5,094 other felony violations. We have 1 park ranger for every 100,000 visitors, and we have 1 park ranger for every 180,000 acres. What we know is that if in your State you have the right to carry on to public lands or if you have conceal carry laws, that ought to have application to your State, not to the Federal Government's predominance over your State.

The numbers I cited only reflect what the Park Service has investigated. They do not reflect all the other offenses of the Drug Enforcement Agency, which are thousands. It doesn't reflect the Federal Bureau of Investigations or local law enforcement investigations in these areas. So even though parks are relatively safe, the fact is that oftentimes the best deterrent is for the criminal to know that if they have a gun, somebody else might also have a gun.

As a physician, I hate what guns do. I don't want guns to be used. But the fact is, the second amendment to the Constitution is real. What we have is a situation before us where bureaucrats have said: We will take your rights away. It may be that the Congress says we should do that. But if we do it, it ought to be us doing it, not unelected bureaucrats through redtape fiat to truly limit your ability and your rights guaranteed under the Constitution.

What does this amendment do? This amendment restores the second amendment rights as outlined in each individual State back to the national parks and Fish and Wildlife Service. It says if States want to change their laws with regard to those, they can. But it leaves it to the government at the closest level to the people rather than the one farthest away from the people.

We will have a lot of claims that this will have an impact on poaching. It won't have any impact. But even if it does, tell me how poaching, the unauthorized killing of animals, is a higher value order than a right guaranteed under the Constitution. You can't find it. If we are that upside down in our country about guaranteed rights and the Bill of Rights and the underlying Constitution, then we are in a lot more severe trouble than most of us would recognize.

What we also know is that on Forest Service lands, we see a certain amount of poaching, but we have a certain amount of poaching now on parklands. So we are not going to see a corresponding increase. And if we do, it is still illegal.

This amendment doesn't apply to national monuments. It preserves States rights. That means no national monument does this amendment apply to. It preserves a State's right to do what it should do. In fact, it makes Congress responsible for the limiting of our rights under the Constitution rather than bureaucrats.

The consequences of the rules that we have today are bizarre. Not long ago on the Blue Ridge Parkway, a gentleman was convicted who had a Virginia right to carry. But because he drove through the national park with his gun not broken down and not in his trunk, he was convicted of a violation of national park policy. He was traveling from one place in Virginia to another and went through a park, as he did that on the roadway. So he was found liable under a Federal law which was never intended by us and never intended under the Constitution. Yet he was compliant with his own State's gun laws.

The whole purpose of this amendment is not a gotcha amendment. It is to say: Does the second amendment mean something? If we are going to limit it, it ought to be us who do it. Do States rights mean anything and should we have bureaucrats limiting individual rights versus the Congress? If it is going to happen, the Congress has to be the body that does it.

For decades, regulations enacted by unelected bureaucrats at the National Park Service, NPS, and the U.S. Fish and Wildlife Service, FWS, have prohibited law-abiding citizens from possessing firearms on some Federal lands. The enactment of these rules preempted State laws, bypassed the authority of Congress, and trampled on the constitutional rights of law-abiding Americans guaranteed by the second amendment of the U.S. Constitution.

This legislation enables Congress to belatedly weigh in on this important matter.

The Protecting Americans from Violent Crime Act of 2009 would ensure State gun laws and citizens' constitutional rights are honored on Federal lands by prohibiting the Department of Interior from creating or enforcing any regulations prohibiting an individual, not otherwise prohibited by law, from possessing a firearm in national parks and wildlife refuges in compliance with and as permitted by State law.

This legislation would prohibit Federal bureaucrats, activist judges, and special interest groups from infringing on the right for law-abiding Americans to defend themselves and their families in national parks and refuges. This legislation does not affect current hunting and poaching rules in national parks and refuges.

This legislation is still needed.

While the Department of the Interior, DOI, finalized regulations permitting the possession of firearms in national parks and refuges in accordance with State law over a 2-year time period, several anti-gun groups have successfully sued the Department of the Interior to prevent this rule from being implemented for the time being.

An activist judge blocked the final gun-in-parks rule because the Bush administration did not conduct an environmental impact analysis of the rule change. Such an analysis was not conducted because the rule change neither authorized the discharging of conceal carry weapons, nor the poaching of animals.

DOI decided not to appeal this ruling, and is, instead, conducting a lengthy environmental review before it makes a final determination on the rule change.

Even if this rule, allowing visitors to carry concealed firearms in accordance with State law, is reinstated, future administrations or activist judges could repeal these regulations without congressional approval. Unelected bureaucrats and judges should not continue to have the ability to revoke a constitutional right of law-abiding Americans. Passing this legislation will help ensure that such a comprehensive gun ban may never again be enacted by unelected officials.

Congressional leadership inappropriately blocked consideration of this measure repeatedly.

Members of Congress have repeatedly attempted to bring up this measure for a clean, fair vote. Unfortunately, congressional leadership has gone to extreme lengths to avoid having a straight up-and-down vote on this measure.

On December 19, 2007, Majority Leader REID entered into the record the following unanimous consent agreement:

Mr. REID. 'Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 546, S. 2483, the energy lands bills, at a time to be determined by the majority leader, following consultation with the Republican leader, and that when considered, it be considered under the following limitations: that the only amendments in order be five related amendments to be offered by Senator Coburn; that upon disposition of all amendments, the bill be read a third time, and the Senate proceed to vote on passage of the bill.

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

This agreement permitted five related amendments to an omnibus bill that included dozens of bills that modified National Park Service lands. The Parliamentarian ruled legislation allowing for firearm possession in national parks in accordance with State and Federal law was related and in compliance with Senator REID's requirement. Instead of honoring this agreement, however, they majority leader pulled the entire bill from the floor and reintroduced a nearly identical measure to technically ''honor'' the unanimous consent agreement without allowing for a vote on related firearm legislation.

Repeated attempts to bring this bill to the new bill were thwarted. Consequently, a version of this bill was included at a Senate Energy and Natural Resources Committee markup along with a package of lands bill. This amendment was adopted as a standalone measure by an 18–5 vote with the understanding that this bill would be included with the package of lands bill approved during the same markup. Despite a letter signed by five Senators on the committee asking the chairman of the committee, ''to honor this agreement and the bipartisan will of the Committee by including S. 3499 in the Omnibus Public Land Management Act of 2008,'' this measure was excluded yet again.

When Members of the House of Representatives were close to forcing consideration of the Protecting Americans from Violent Crime Act as an amendment to this year's Omnibus Public Land Management Act of 2009, almost identical to the 2008 bill, Democratic leadership in the House and Senate coordinated to pull the bill from the floor in the House and add the entire bill in the Senate as a replacement to a previously passed House bill on designating a battlefield as a historic site. While Democratic leadership in the Senate had already managed to block a vote on the Protecting Americans from Violent Crime Act, by enacting this maneuver, the House leadership was also able to block any amendments from being considered in the House.

Last attempts to add firearm legislation to the Omnibus Public Land Management Act of 2009 proved unsuccessful.

Gun bans on Federal property were enacted by unelected bureaucrats without the authority of Congress.

In 1936 the National Park Service established regulations banning firearms in national parks. These regulations were updated in 1983 to allow for guns to be transported through national parks if they were unloaded and stored in the trunk of cars.

In 1976 the U.S. Fish and Wildlife Service established similar regulations for Federal refuges. These regulations were last updated in 1981.

Congress has never endorsed or debated these gun bans.

Unfortunately, however, State laws permitting concealed carry of firearms were not recognized on Federal land managed by NPS and FWS. Americans

on these lands could not possess a loaded firearm in or on a motor vehicle, a boat or vessel except in specific circumstances. Firearms could only be transported in or on a motor vehicle, boat or horse if they were rendered temporarily inoperable, or packed, stored or cased in a manner that prevented their ready use. The penalties for violating the gun prohibition included a fine of $5,000 and 6 months in prison.

In addition to criminalizing law-abiding citizens for exercising their constitutional rights, these regulations exposed the great threat of bureaucrats overstepping their authority—a threat that still exists.

These regulations and the corresponding penalties were established without any congressional mandate or legislative approval.

It is troubling that Government bureaucrats, single-interest groups, and activist judges could take away the rights of law-abiding citizens guaranteed by the Federal Constitution on Federal property and without the consideration of the Federal representatives of the people. The Supreme Court recently ruled that a complete ban on firearms is unconstitutional, yet Federal bureaucrats have managed to completely ban firearms for over 70 years on all 83.6 million acres of national park lands and for over 30 years on all 90.79 million acres of FWS lands, except for hunting purposes.

Recently, a judge also repealed the new regulations governing firearm possession in national parks and refuges on the grounds that no environmental review was completed prior to the promulgation of the rule.

It is unclear how allowing conceal carry has a significant impact on the environment, or how the National Environmental Protection Act supersedes the second amendment rights of law-abiding Americans on more than 170 million acres of Federal lands.

While the activist judge ruled administration officials ''abdicated their congressionally mandated obligation'' to evaluate environmental impacts and ''ignored, without sufficient explanation, substantial information in the administrative record concerning environmental impacts'' of the rule, she failed to consider the constitutional obligation to protect the right to bear arms.

A handful of unelected and unaccountable bureaucrats and judges should not possess the ability to overstep the authority of the U.S. Congress, the Supreme Court, or the U.S. Constitution. ''There was no legislative process—[NPS and FWS] bureaucrats arbitrarily terminated this Constitutional right.''

Given the fact that a recent investigator general report of the FWS Office of Law Enforcement found that this agency has been unable to even account for firearms under their own management, it also seems inappropriate for these agencies to concern themselves with regulating the second amendment rights of law-abiding citizens.

It is clear that Congress should address this issue, and many in Congress have already expressed their opposition to these regulations, including 18 of the 23 members of the Senate Committee on Energy and Natural Resources in the 110th Congress who voted for this amendment—including the current Secretary of the Interior. Fifty Senators, including 9 Democrats and 41 Republicans, also signed two letters to former Secretary of the Interior Dirk Kempthorne asking him to remove these regulations. Several additional Senators have indicated their support for allowing State laws to govern firearm possession on public lands and 25 Senators sponsored similar legislation last Congress.

Even the Department of the Interior—the agency that oversaw the creation of these regulations—commented in 2008 that ''It's appropriate to look at updating these regulations, to bring them into conformity with state laws [on guns use]. Following the release of the final regulations, a spokesman for the Department of the Interior pointed out, ''This is the same basic approach adopted by the Bureau of Land Management and the United States Forest Service, both of which allow visitors to carry weapons consistent with applicable federal and state laws. . . . Federal agencies have a responsibility to recognize the expertise of the states in this area, and Federal regulations should be developed and implemented in a manner that respects state prerogatives and authority.''

No other federal land agency has enacted anti-gun rules similar to the National Park Service and Fish and Wildlife Service.

As a spokesman for the Department of the Interior pointed out in a press release, both the Bureau of Land and Management and the U.S. Forest Service allow for the law of the State in which the Federal property is located to govern firearm possession.

FS and the BLM have not experienced any difficulties as a result of allowing firearm possession.

According to the BLM, ''Laws and reg[ulation]s pertaining to concealing and carrying firearms are within [states'] jurisdiction and we only enforce them on public land if we have state authority by way of a local agreement. The BLM has some regulations on the use of firearms that pertain to specific areas, such as recreation sites and other areas that may be closed to shooting (but that does not make it illegal to possess a firearm in those areas).''

If other land preservation agencies never had to enact regulations infringing on the second amendment—including one agency within the Department of the Interior—why did NPS and FWS, which are both within the Department of the Interior?

This legislation will protect law-abiding citizens without threatening natural resources or wildlife.

These anti-gun regulations were intended to ''ensure public safety and maximum protection of natural resources,'' according to Scot McElveen, the president of the Association of National Park Rangers.

According to NPS and FWS, prohibiting citizens to carry legally owned and registered firearms was necessary to prevent the poaching of animals living on NPS and FWS lands. Anti-gun groups sued the Department of the Interior to repeal the implementation of the finalized rule change, claiming in part that overturning the gun ban will compromise the safety of humans and animals.

The Department of Justice argued against the lawsuit, pointing out that the new rule ''does not alter the environmental status quo, and will not have any significant impacts on public health and safety.''

This legislation will likewise not enable or permit illegal hunting of animals on these lands. Other NPS and FWS regulations specifically governing illegal hunting will remain in place, ensuring that poaching will still be illegal.

It will also not authorize the discharging of firearms or target practice in these natural reserves.

Proponents of these extreme gun restrictions have also claimed that the unconstitutional regulations are a necessary law enforcement tool against poaching and other crimes. They reason that if guns are outlawed in parks and refuges, law enforcement can use the possession of a firearm to prosecute would-be poachers.

In addition to the fact that the second amendment was not recognized by our founders to give law enforcement officers in national parks and refuges an additional tool to eliminate poaching, the fact that both BLM and FS have not ''required'' these additional regulations further proves these anti-gun regulations are unnecessary.

As the former Department of the Interior Secretary Dirk Kempthorne points out, ''Since the [proposed federal regulations similarly] maintain existing prohibitions on poaching and target shooting, and carrying weapons in federal buildings, [it] would not cause a detrimental impact on visitor safety and resources.''

Crime rates on Federal lands are rising.

National parks, while still generally safe for visitors, have seen an increase in crime.

According to the National Park Service and the Fish and Wildlife Service, in 2006 there were 16 homicides, including one manslaughter charge, 41 rape cases, including two attempted rapes, 92 robberies, 16 kidnappings, and 333 aggravated assaults out of 5094 part I offenses. In national parks there were a total of 116,588 offenses. These offenses only include homicides and other

crimes handled by national park and refuge law enforcement, but don't account for the homicides and crimes other law enforcement agencies processed—e.g. the Federal Bureau of Investigations, Drug Enforcement Agency, local law enforcement.

Overriding State laws that give its residents the ability to defend themselves may increasingly place NPS and FWS visitors in unnecessary danger.

NPS and FWS anti-gun regulations disarm individuals and leave them and their families vulnerable to crime on public lands.

In a Seattle Times article titled ''Crime Slowly Creeps Into Parks, Forests,'' Captain John Klaasen of the U.S. Forest Service states, ''If you see [a crime] happening in the city, it happens in the forest.'' Whether it is meth labs hidden amid lush forests or car prowls at trailheads, park rangers and forest officers are seeing an increasing amount of criminal behavior.

Following the grisly murders of four women at Yosemite National Park in 1999, Elaine Sevy with the National Park Service stated, ''You're not escaping society when you come to the parks. Understand that parks are a microcosm of society.''

For many criminals, parks and forests offer a safe haven. Consequently, visitors enjoying some of our Nation's natural treasures are increasingly vulnerable to harm and personal injury.

According to a San Francisco Chronicle article, ''National Parks' Pot Farms Blamed on Cartels; Mexican Drug Lords Find it Easier to Grow in State Than Import;''

> Hikers in national parks such as Yosemite and Sequoia-Kings Canyon are encountering a danger more hazardous than bears: illegal marijuana farms run by Mexican drug cartels and protected by booby traps and guards carrying AK–47s. . . . Park service officials said the drug cartels took extreme measures to protect their plants, which can be worth $4,000 each. Growers have been known to set up booby traps with shotguns. Guards armed with knives and military-style weapons have chased away hikers at gunpoint. In 2002, a visitor to Sequoia was briefly detained by a drug grower, who threatened to harm him if he told authorities the pot farm's secret location.''

A more recent news story also highlighted this dilemma. Special agent eradication teams heavily armed are needed to clear thousands of pot plants in State and national parks and other public lands. Many of the marijuana fields are located next to popular trails. However, ''The folks who are growing the marijuana are not your peace hippies from the 60s . . . These are armed members of the Mexican drug trafficking organizations, who utilize assault style weapons, assault rifles to protect their cash crops.''

A February 2005 report, ''Marijuana and Methamphetamine Trafficking on Federal Lands Threat Assessment,'' concluded that already high levels of cultivation of cannabis and methamphetamine production by Mexican drug-trafficking organizations are likely to increase.

''Cannabis cultivators and methamphetamine producers on federal lands often are armed, and cannabis grow sites and methamphetamine laboratories frequently are booby-trapped. Law enforcement officers have seized shotguns, handguns, automatic weapons, pipe bombs, grenades, and night vision equipment from drug producers and smugglers on federal lands.''

With one law enforcement officer for about every 110,000 visitors and 118,000 acres of national park land, park police may not always be close by and individuals may be left to defend themselves. While park rangers now use bullet-proof vests and automatic weapons to enforce the law, regular Americans in States where carry laws exist, are denied the opportunity for self-defense because of these NPS and FWS regulations.

Drug and human smuggling across the U.S. Mexico border has made it impossible and dangerous for scientists to continue their research and for visitors to frequent ''well-marked but unofficial trails'' in a national park.

''Organ Pipe Cactus National Monument stopped granting most new research permits because of increasing smuggling activity. Scientists must sign a statement acknowledging that the National Park Service cannot guarantee their safety from ''potentially dangerous persons entering the park from Mexico.''

Lands managed by the Department of the Interior lands make up more than 39 percent of our border with Mexico. Mexican drug trafficking organizations smuggling operations rely on back routes and private roads through these lands to transport marijuana and methamphetamine. These drugs are primarily smuggled through NPS and FWS lands.

A report by the National Parks Conservation Association in 2007 titled ''Perilous Parkland: Homeland Security and the National Parks'' detailed how over the past 2 years at Organ Pipe Cactus National Monument, ''park rangers have arrested and indicted 385 felony smugglers, seized 40,000 lbs. of marijuana, and intercepted 3,800 illegal aliens. The Border Patrol estimated that 500 people per day (180,000 per year) and 700,000 pounds of drugs entered the U.S. illegally through the monument in the year 2000.'' It is no wonder the law enforcement staff of 11 park rangers is encountering difficulties in managing a 330,000-acre park with numerous activities initiated by Mexican drug cartels.

This park was ranked by the Fraternal Order of Police as the most dangerous national park in 2003. While two other parks on the Mexico-U.S. border were listed in top 10 most dangerous national parks in 2003, other parks included on this list were in States such as New Jersey, Florida, Virginia and Wyoming—Yellowstone National Park.

The Government Accountability Office, in a report entitled a ''Actions Needed to Better Protect National Icons and Federal Office Buildings from Terrorism,'' additionally expressed concern with the ability of the Interior Department to maintain adequate security in the post-9/11 world of heightened alerts due to potential terrorist attacks. According to a survey by the National Park Service, safety concerns have played a significant role in the decreasing number of National Park visitors.

Another result of this surge is that, ''National Park Service officers are 12 times more likely to be killed or injured as a result of an assault than FBI agents.''

According to the group Public Employees for Environmental Responsibility, ''National Park Service commissioned law-enforcement officers were victims of assaults 111 times in 2004, nearly a third of which resulted in injury. This figure tops the 2003 total of 106 assaults and the 2002 total of 98.''

Because of this threat, rangers in higher crime areas often carry automatic weapons and wear bullet-proof vests.

In a CBS News article titled ''Crime Rates Up in National Parks—More Rangers Find Themselves Battling Lawlessness,'' former executive director of the U.S. Park Rangers Lodge of the Fraternal Order of Police and 30-year park ranger, Randall Kendrick noted that ''The National Park Service has an astoundingly poor safety record for its officers . . . If anything, these assaults against park rangers are undercounted. If there is not a death or injury, pressures within a national park can cause the incident to be reported as being much more minor than it is in reality, and it is not unheard of for an assault to go unreported altogether.

FWS refuges have also experienced significant crime and law enforcement concerns. The Cooperative Alliance for Refugee Enhancement released a report this past May that pointed out that refuges are also becoming increasingly dangerous to visitors. According to the report ''Restoring America's Wildlife Refuges,'' there is one law enforcement officer for every 555,000 acres of refuges.

President of the National Wildlife Refuge Association and chairman of C.A.R.E., Evan Hirsche, said the following:

> A decrease in law enforcement has left the refuges vulnerable to criminal activity, including prostitution, torched cars and illegal immigrant camps along the Potomac River in suburban Washington, methamphetamine labs in Nevada and pot growing operations in Washington state. . . In some cases, we find that drug operations have set up shop in refuges.

The C.A.R.E. report finds that, ''On many wildlife refuges, drugs are a serious problem. These aren't small-time marijuana gardens; drug operators on refuges frequently defend their plots with armed guards . . . A 2005 report by the International Association of Chiefs of Police (IACP) detailed the urgent need for additional law enforcement to

respond to commercial-scale drug production and trafficking, wildlife poaching, vandalism, assaults, and a host of other crimes.

For example, according to C.A.R.E., because of staffing cuts, Tishomingo National Wildlife Refuge located in Oklahoma, will now share one law enforcement officer with a refuge in Texas—one law enforcement officer for 200,000 annual visitors.

While better prioritization of Federal funds may be needed to increase law enforcement efforts in our public parks, refuges, and forests, allowing visitors to national parks and refuges to possess guns provides responsible gun owners the ability to defend themselves in the event that other protection is not available.

Gun regulations were confusing, burdensome and ineffective.

The contradictory patchwork of Federal regulations within different agencies created the scenario where a law-abiding gun owner traveling from public land managed by BLM to an adjacent NPS or FWS unit was subject to a $5,000 fine and a 6 month prison sentence for violating Federal regulations.

In many States, people have to pass through designated Federal lands every day. They should be able to do so without having to worry about which laws apply on what type of public land, if they are authorized to carry firearms under State law.

A man driving along the Blue Ridge parkway in Virginia was stopped for failing to obey a stop sign by a national park ranger. Upon further inspection, the ranger found two loaded firearms in the car. The defendant was licensed to conceal carry under Virginia State law and did not know he was in violation of National Park Service regulations and had not observed any signs prohibiting the possession or transportation of loaded and operational firearms. The road he was on also serves as highway between routes 460 and 220 in the Roanoke area. The defendant was found guilty, even though he was in his car and permitted under State law to possess firearms because of an administrative rule.

The bureaucrats seemingly well intended goal of ''protecting'' the public and natural resources holds the same flaws of other anti-gun efforts: It ensures that only criminals possess firearms and makes law abiding citizens subject to criminal penalties for exercising their constitutional rights.

An editorial in the Colorado Spring Gazette pointed out that ''Armed law-abiding citizens aren't the source of violence, criminals are.''

Likewise, John Stossel commented that:

> [L]aws that make it difficult or impossible to carry a concealed handgun do deter one group of people: law-abiding citizens who might have used a gun to stop crime. Gun laws are laws against self-defense.
>
> Criminals have the initiative. They choose the time, place and manner of their crimes, and they tend to make choices that maximize their own, not their victims', success. So criminals don't attack people they know are armed, and anyone thinking of committing mass murder is likely to be attracted to a gun-free zone, such as schools and malls [or national parks].
>
> If you are the target of a crime, only one other person besides the criminal is sure to be on the scene: you. There is no good substitute for self-responsibility.

Individuals who are already willing to break the law to illegally hunt on public lands, after all, are no more likely to obey Federal regulations that disallow the use firearms on public lands.

Federal law enforcement in parks and refuges is ineffective and incompetent.

According to the inspector general of the Department of the Interior, NPS law enforcement agents and rangers are ineffectively managed by ''non-law enforcement managers.''

In a statement before the Senate Committee on Finance, inspector general Earl E. Devaney remarked that various superintendents of a number of dangerous parks opposed increasing law enforcement staff to combat rising crime levels for a variety of reasons.

Some superintendents ordered rangers not to carry firearms because they thought it would ''offend park visitors.''

Other superintendents assigned law enforcement staff non-law enforcement work to prevent them from becoming ''too much like cops'' or because ''the public does not want park rangers with the same edge as FBI agents but instead what the public wants is the park ranger to be cut from the same cloth as a boy scout.'' One assistant Park Police chief sought to address safety concerns with the statement that terrorists ''are not incredibly sophisticated.''

According to the Washington Post, a February 2008 assessment of the U.S. Park Police by Mr. Devaney concluded that:

> The U.S. Park Police have failed to adequately protect [] national landmarks [] and are plagued by low morale, poor leadership and bad organization . . . The force is understaffed, insufficiently trained and woefully equipped . . .

The International Association of Chiefs of Police also described law enforcement staffing at the Park Service as ''patently illogical and erratic.''

This legislation will enable law-abiding citizens to defend themselves in national parks and refuges.

This legislation would not void State and local laws that prohibit the possession of fire arms and do not provide State residents with conceal and carry permits. National monuments would still be governed by U.S. law that prohibits the possession of firearms at Federal facilities, and visitors to national parks in States with no conceal and carry laws would be required to follow State law.

This legislation, similarly to the recently implemented rule change, does, however, require the National Park Service and any other agency under the Department of the Interior to promulgate regulations regarding firearm possession that do not conflict with state and local laws—including conceal and carry laws.

An aggressive black bear was shot and killed in the Denali National Park in Alaska. Luckily one of the three park employees threatened by this bear was authorized to carry a gun. ''An attempt to divert the bear with pepper spray was ineffective,'' and the bear was shot and killed. Typical Americans would not have been permitted to defend themselves with anything besides ''ineffective'' bear spray.

A boy celebrating his tenth birthday in Tonto National Forest in Arizona was attacked by a rabid mountain lion. The lion made two attempts to attack the boy, but was shot both times by the boy's uncle with a pistol. The second shot killed the mountain lion. If this event had occurred in a national park or refuge, the uncle would not have been allowed to even have brought an unloaded pistol along with him.

Additionally, a 38-year-old man hiking in British Colombia was attacked and mauled by a grizzly bear in June and would have been killed had he not managed to shoot the bear twice. Even though he was able to shoot the bear, he still needed 40 stitches and suffered a broken hand and multiple puncture wounds. In national parks and refuges, this story would have most likely ended tragically.

The Washington Post also featured a two-part story recounting a double murder in 1981 and an attempted double murder earlier this year on the Appalachian Trail. Many of the 2,175 miles that make up this trail are under the jurisdiction of NPS. Adopting this amendment would ensure all law-abiding citizens would be able to protect themselves from rare, but dangerous, four- and two-legged predators on this trail and other NPS and FWS lands.

By passing this bill, the Senate will be voting to increase the safety of families and discourage criminals from taking advantage of vulnerable families on Federal lands managed by the Department of the Interior. Congress will also finally ensure that elected representatives, instead of federal bureaucrats, determine second amendment policies in this instance.

It is claimed that gun restrictions enacted by the National Park Service, NPS, and the U.S. Fish and Wildlife Service, FWS, are different than those of Bureau of Land Management, BLM, and U.S. Forest Service lands, FS, because the roles of the agencies are different.

The fact is all four agencies have generally similar responsibilities to manage and protect Federal properties and national resources.

The NPS mandate is to ''[preserve] unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations.''

The FWS mandate is to ''[work] with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.''

BLM's mission is to ''[sustain] the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.'' According to the FS Web site, ''the mission of the USDA Forest Service is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations.''

Besides the fact that the missions of all four agencies are similar, because additional regulations prohibit the inappropriate use of firearms in nondesignated areas, allowing for State conceal and carry laws will not compromise these agency missions. Instead, by allowing for State firearm laws to be recognized, visitors will feel safer and more protected in areas where there is limited or no law enforcement.

It is claimed that animals will be poached and not adequately protected if visitors are permitted to carry guns in Federal parks.

The fact is that separate regulations already outlaw such behavior. This legislation will not void those regulations.

This legislation is necessary to enable law-abiding Americans to defend themselves and their families—not to permit more hunting.

Additionally, officials from FS also have poaching regulations and, just like FWS, also have the option of enforcing Federal Wildlife crimes under a criminal code called the Lacey Act.

It is claimed that it would be impractical to enforce State-by-State conceal and carry laws on NPS lands.

The fact is that both the BLM and the Forest Service have not expressed any difficulties or frustration in recognizing State laws.

As it currently stands, the NPS does not enforce NPS regulations that void State concealed carry laws, except if violations are found inadvertently according to NPS congressional liaison. Even then, rangers will normally only give a warning to visitors that NPS regulations do not recognize State conceal and carry permits.

This bill would actually simplify rules for national park and refuge visitors by requiring them to abide by State and local laws regardless of what type of Federal land they are visiting. Currently, visitors in some States may carry operational firearms in State parks, BLM and FS lands but not in national parks and refuges.

It is claimed that recognizing concealed carry State permits would compromise the effectiveness of NPS law enforcement.

The fact is that concealed carry permits exist for the protection of individuals—not law enforcement by regular citizens.

Current police forces are spread far too thin as it is and are not sufficient. According to GAO, for every one law enforcement officer there are about 10,000 visitors and 118,000 acres of land. According to a report, FWS only employs one law enforcement officer for every 550,000 acres of national refuge land.

Both FS and BLM do not believe their effectiveness has been compromised because State laws governing firearms are followed on their lands. Additionally, thousands of Americans with concealed carry permits in 48 States have not compromised the effectiveness of our law enforcement in States. Why should allowing concealed carry in national parks produce a different outcome?

It is claimed that poaching has decreased as a result of these regulations.

The fact is that according to CRS, there is no way of determining such a conclusion because poaching data is not maintained on a national basis throughout national parks and refuges for a variety of reasons. Attempts by both NPS and FWS to keep poaching statistics have not succeeded for a variety of reasons. Additionally, NPS, up until recently, did not even differentiate between different types of poaching when reporting any instances of poaching—including poaching archaeological relics, trees and plants, and animals.

According to DOI's limited recordkeeping of poaching incidents, there has actually been a 10 percent increase in these incidents between 2003 and 2006—a jump from 365 incidents in 2003 to 405 in 2006. In contrast there were 16 homicides; including one manslaughter charge, 41 rape cases, including two attempted rapes, 92 robberies, 16 kidnappings, and 33 aggravated assaults out of 5094 part I offenses.

It is claimed that hunting is already allowed in a number of specially designated areas.

The fact is that this bill is not about hunting but concerns the right for Americans to protect themselves and their families from criminals and rabid and dangerous animals. This legislation will not overturn hunting regulations.

It is claimed that 7 former NPS directors have spoken out against changing the current regulations along with organizations such as the Association of National Park Rangers, the Coalition of National Park Service Retirees, and the U.S. Park Rangers Lodge. This legislation directly contradicts the opinions of those most knowledgeable of law enforcement in national parks and refuges and thus should not be endorsed.

The fact is that many of the concerns listed by these organizations have to do with poaching, not self-defense. The current situation in our national parks and refuges does not afford many visitors the benefits of adequate law enforcement protection—a fact that is emphasized by the increasing level of crime and violence experienced by law enforcement officers of these public lands.

The Association of National Park Rangers has requested that Congress weigh in on these Federal regulations concerning the possession of firearms in these public lands. This amendment gives Congress, representing all Americans, instead of unelected bureaucrats the opportunity to do so.

It is claimed that the regulatory process improperly did not include a full environmental impact study.

The fact is that both the current and previous administrations agreed that this rule change does not significantly impact the ''environmental status quo, and . . . public health and safety.'' This bill does not authorize poaching or illegal gun use.

With that, I reserve the remainder of my time, suggest the absence of a quorum, and ask unanimous consent that the time be divided equally.

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

Mr. COBURN. I ask unanimous consent to reserve for me 10 minutes.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WEBB. Mr. President, I wish to speak in support of the Coburn amendment.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield time?

Mr. COBURN. I am happy to yield 5 minutes to the Senator from Virginia.

Mr. WEBB. I thank the Senator.

Mr. President, there is, rightfully so, a great deal of varied opinions among our body about the issue of gun control, gun rights, the second amendment, who, where, what. We have seen it debated many times in the now 2½ years since I have been here in the Senate. I think it reflects the diversity of our country. I think it affects the different challenges that different regions, different urban and nonurban environments have when it comes to the use of weapons, and I respect that.

I respect the fact that many on our side of the aisle have a great deal of concern about amendments such as this amendment. It just depends on what you are reading into it, in many cases.

The other part of that is that I believe this particular amendment addresses those differences, and it does so in a way that attempts to bring some fairness to people who live in States that have a different view of the right to bear arms than in other areas. So I think we need to calm down a little bit in terms of what the intent of this amendment is and what its application would actually bring about.

This amendment is very clear. It basically says that if you are authorized to possess a firearm in your State and if the possession of that firearm is in

compliance with the laws of your State and if there is a national park or a national wildlife refuge system in that State, then you would be authorized to possess a firearm in your State in those areas.

If you look at Virginia, there are a lot of national parks and wildlife areas that intermingle, even along our roadways. So we have a State that permits individuals to not only possess firearms but also to carry them, and potentially they could be at legal risk if they are driving down the same highway and they get pulled over because they have crossed into areas that are now national park areas. If you go along the mountain areas in the western part of our State, that is true. It is actually true right across the river. If you are driving down the George Washington Memorial Parkway from Arlington to Alexandria, you can suddenly enter an area that is a national park area. So that places a burden on a lot of people who are obeying the law and who are carrying out the standards that have been placed on people in Virginia, and this amendment helps to clarify that. That is all it does.

If you live in a State where you can legally possess a firearm and if you meet the standards to legally possess a firearm, then in a national park inside that State, or a national wildlife refuge, you can continue to possess a firearm. It doesn't mean you can go hunting. It does not mean a 12-year-old can have a weapon inside a national park. It simply means that there is a consistency inside that State. If you live in a different State that doesn't want to allow people to possess firearms to the extent that the second amendment would allow that sort of State legislation, then you can't bring a weapon or a firearm inside one of those jurisdictions.

So, to me, as someone who believes in all of the amendments in our Bill of Rights, as one who believes very passionately in the first amendment and the fourth amendment and the fifth amendment as well as, in this case, the second amendment, I believe this amendment is proper, and I intend to support it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, following up on what the Senator from Virginia said, there actually was an event in his State on the Blue Ridge Parkway where a gentleman who was licensed to carry failed to stop completely at a stop sign and was stopped. Under his law, the laws of the State of Virginia, he was licensed to legally carry, but the park ranger found that he had guns in his car—all within the laws of the State of Virginia. Yet he was convicted because he drove through an edge of a national park, carrying a gun in a national park.

Senator WEBB has described it well. This is about establishing clarity. You still can't go out and target shoot. You can't hunt. But what you can do is be within the law. So by protecting the second amendment and by protecting States rights, we will have common sense.

I would make the other point—the Senator from Connecticut is here—if your State says: We don't want to do these things, you can under this amendment. So if you have a national park and you don't allow guns in the State park, you can say you don't allow guns in the national park. So it follows completely. When the Senator from Connecticut asked me about this today, I went back to my staff, and, in fact, that is the case, that State law will reign supreme as long as there is consistency within the State and the park that is part of that State.

So I also agree with what Senator WEBB said, which is the natural reaction is, this is nuts. It is not nuts. It is about commonsense application of the second amendment. It is about States rights, and it is about not putting people in jeopardy who are in jeopardy today because they are lawfully carrying out the laws of their own State.

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I did not intend to comment on all of this, but as the manager of the underlying bill dealing with the credit card legislation, let me first of all thank my colleague from Oklahoma for that clarification I raised because it is an important point, and it is one raised by others as well about whether a State statute that would have prohibited someone from carrying a licensed weapon in a State park would apply as well to the national park located in that State, and I appreciate very much his answer to that question. And the point raised by Senator WEBB is worthy as well.

I come from a State that I believe is still the largest manufacturer of weapons in the United States, Connecticut. Not many people are aware of that fact. But we have lost a lot of that employment over the last number of years. A lot of it has gone offshore, regrettably, but for a number of years Connecticut led the Nation in the production of rifles, shotguns, and handguns. So I have more than a familiarity with the issue.

My concern here is about the amendment, on one hand, but I respect what my friend from Oklahoma said. My concern is about the underlying bill and what happens to it, having watched the fate of other legislation where it has been the case that it moves to the other body and what happens to the underlying bill. I suspect, based on what I have heard, that it may carry, and if that is the case, my hope is that we will be able to still move forward with the other body, resolve these matters favorably one way or the other, and still deal with the underlying issue of credit cards. I hate to see us lose this opportunity to make a difference with credit card reform. I am not anticipating that to be the case, but there is always that risk we run, and I would be remiss if I didn't raise that concern I have as the manager of the bill.

Senator SHELBY and I have worked very hard to put together a credit card reform bill that we hope enjoys broad bipartisan support. It is a balanced bill that will allow an industry to continue to profit, to move forward, but not at the expense of consumers with unnecessary rate increases or exorbitant fees and the like that we have watched too many Americans face over the last number of years. We make major changes in how credit cards are handled under this bill. I know millions of Americans will benefit from this if we are able to pass it into law.

I believe the interest of my friend and colleague from Oklahoma is not in undermining that effort, but he has a strong interest in the amendment he has raised, and I believe he has raised it on any number of bills over the past weeks or months.

I see my colleague standing, and I yield.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, as I told the Senator from Connecticut, the underlying bill has many things I am in favor of. I don't want to see it fail on this, but nor should we want to see the second amendment trampled, nor should we want common sense to go out the window as we apply laws in this country.

The fact is, we have had very many good commonsense amendments come out of the Senate that don't come out of conference committee. I am not sure I would expect a different result on this one.

The fact still remains that we have an incoherent policy that takes away a right that has been done by bureaucrats. If we decide we don't want to do that, then that is the Congress speaking that we are not going to do that, and that is fine. But to have bureaucrats eliminate some of these second amendment rights and do so in a way that causes people confusion and puts people at risk is wrong.

So I thank the Senator for his comments. I hope he can support the amendment because it is a commonsense amendment. He has supported many other of my amendments. What you do in conference will determine whether it comes back out with that on it.

I yield back the remainder of my time.

Mr. DODD. Mr. President, I yield back all time at this point and ask for the yeas and nays on the Coburn amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 29, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—67

Barrasso	Enzi	Nelson (NE)
Baucus	Feingold	Nelson (FL)
Bayh	Graham	Pryor
Begich	Grassley	Reid
Bennet	Gregg	Risch
Bennett	Hagan	Roberts
Bond	Hatch	Sanders
Brownback	Hutchison	Sessions
Bunning	Inhofe	Shaheen
Burr	Isakson	Shelby
Byrd	Johanns	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Tester
Coburn	Kyl	Thune
Cochran	Landrieu	Udall (CO)
Collins	Leahy	Vitter
Conrad	Lincoln	Voinovich
Corker	Lugar	Warner
Cornyn	Martinez	Webb
Crapo	McCain	Wicker
DeMint	McConnell	Wyden
Dorgan	Merkley	
Ensign	Murkowski	

NAYS—29

Akaka	Durbin	Lieberman
Alexander	Feinstein	McCaskill
Bingaman	Gillibrand	Menendez
Boxer	Harkin	Murray
Brown	Inouye	Reed
Burris	Johnson	Schumer
Cantwell	Kaufman	Stabenow
Cardin	Kerry	Udall (NM)
Carper	Lautenberg	Whitehouse
Dodd	Levin	

NOT VOTING—3

Kennedy	Mikulski	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 29. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

AMENDMENT NO. 1068 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, amendment No. 1068 is withdrawn.

The majority leader.

Mr. REID. Madam President, for Members of the Senate, we have spent all day on the Coburn amendment. We tried to work something out. We could not. We took the vote. The Senate has spoken.

I hope that Senators who have amendments to offer would do so. We have to complete this legislation. It is no one's fault they have not been able to offer amendments because the floor was blocked and they could not do that. But I hope tonight we can have some amendments laid down. I hope people will do that. We are not going to have a lot of amendments pending, but if somebody wants to lay down some amendments, a reasonable number of amendments, that is fine. There is going to come a time when we are going to have to move on. This is a bill literally supported by 90 percent of the American public. This bill received almost 380 votes in the House. We are going to have to move on.

I am not going to file cloture tonight. It is only Tuesday. But we will see what happens tomorrow. We have a lot of other business we need to complete before we leave here. This has been a long work period. We have accomplished a lot of things. We have a lot more to do. We would like to be able to complete our work by next Thursday. I don't know that we can do that, but we certainly need to try. We have things we are going to have to do before the work period ends. Monday is a nonvote day.

I am not criticizing anyone, but I repeat, let's not be tied up in the mornings and say: I can't offer my amendment in the morning; I am too busy; I have appointments. The most important thing a Senator can do is to legislate. We need to start legislating. This bill is very important. The managers have worked very hard. Senators DODD and SHELBY worked the weekend to come up with the agreement they got to get a bipartisan bill we can work on. I applaud each of them for their work together. This sends a good message to the American public that we can do something very important.

I repeat, there will be no more votes tonight, but we need to have some amendments laid down so we can start voting tomorrow.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I thank the majority leader for those words, and let me just say, on behalf of Senator SHELBY and myself, if Members have amendments, please bring them over. In many cases, we might be able to accept them; others to modify. In some cases we may have to reject them, but we can't make those decisions unless we know what they are. We can move this along pretty quickly if Members will let us know what they want to offer, and we will see if we can work those out.

So I appreciate the majority leader making that point. We will stay as late as possible to have Members come by with their amendments, to meet with staff and others to see if we can't move forward with the bill. We have an opportunity this week to do something for millions and millions of our fellow constituents and citizens around this country. There is nothing that plagues our constituents more than these outrageous fees and rates that are being increased on their accounts, and we can make a difference this week in that matter. But we need to know the amendments.

Senator SHELBY and I put together a good bill, but we always know our colleagues can offer ideas as well to improve it. So we would like that opportunity, and I appreciate the majority leader making that point.

Mr. REID. I say to my friend, the manager of this bill, we both want amendments to be offered, if in fact people want to offer amendments. But we hope they would be related to the bill. If we have a few more nongermane amendments, it is going to wind up that the banks win again because we will not be able to proceed on this legislation if we have more amendments dealing with unrelated matters, such as guns or whatever else somebody else dreams up.

In the morning, we have a cloture vote on one of Secretary Salazar's assistants. It is very important we have that vote. We will have it an hour after we come in, unless we work out another time with our colleagues. We have to complete that. I hope that we can get that done. Based on what we have been through in years passed, I can't imagine that we would have to invoke cloture on a Cabinet nomination, someone who is going to work for one of our Cabinet officers. That is what I thought we debated with the nuclear option. But it appears there are a lot of people not willing to even allow a vote on David Hayes.

It seems a little unusual for me that people who were wanting to invoke the nuclear option are now saying: Well, we are not sure we were right about that, and we are not even going to allow you to have a vote on someone whom Secretary Salazar has worked very hard on, getting him to help him work on the many issues he has to work on in the Department of the Interior. So I hope we can get that over with in the morning and that we would not have to have a cloture vote. But it appears we might have to do that. I wish I didn't have to file cloture on any nominees, but we have had to do it many times already this Congress.

Mr. DODD. I thank the majority leader, and I would say that we are open for business, Senator SHELBY and I are. So if there are amendments, let us hear them. Bring them over and we will try to move things along.

The PRESIDING OFFICER. The Republican leader is recognized.

AMENDMENT NO. 1085 TO AMENDMENT NO. 1058

Mr. MCCONNELL. Madam President, on behalf of Senator GREGG, I call up amendment No. 1085 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], on behalf of Senator GREGG, proposes an amendment numbered 1085.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To enhance public knowledge regarding the national debt by requiring the publication of the facts about the national debt on IRS instructions, Federal websites, and in new legislation)

At the appropriate place, insert the following:

SEC. _____. ENHANCED TAXPAYER DISCLOSURE.

(a) IN GENERAL.—It shall not be in order to consider any appropriations, direct spending, or revenue bill or joint resolution reported by any committee unless the measure contains a debt disclosure section setting forth debt disclosures in the following form:

"SEC. _____. DEBT DISCLOSURE.

''(a) CURRENT DEBT.—The level of the current gross Federal debt of the Nation is $_____.

''(b) PER PERSON.—The level of the current gross Federal debt of the Nation per citizen is $_____.

''(c) DEBT INCREASE WITH PASSAGE OF THIS ACT.—Enactment of this Act would cause the gross Federal debt of the Nation to rise or fall to $_____. The new level of gross Federal debt per citizen would equal $_____.

''(d) DEFINITIONS.—In this section, the term 'gross Federal debt' means the nominal levels of gross Federal debt (debt subject to limit as set forth in the Budget Resolution) as determined by the Bureau of Public Debt and published in latest Monthly Treasury Statement, not debt as a percentage of gross domestic product, and not levels relative to baseline projections.''.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. ___. ANNUAL NOTIFICATION OF PER TAXPAYER SHARE OF FEDERAL PUBLIC DEBT.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 7529. ANNUAL NOTIFICATION OF PER TAXPAYER SHARE OF FEDERAL PUBLIC DEBT.

''In the case of any booklet of instructions for Form 1040, 1040A, or 1040EZ prepared by the Secretary for filing individual income tax returns for taxable years beginning in any calendar year, the Secretary shall include in a prominent place the per individual taxpayer share of the Federal public debt determined on the last day of the preceding fiscal year and using the most recent census data. The information regarding such share of the Federal public debt shall also be placed prominently on the Internal Revenue Service Internet website.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter 77 is amended by adding at the end the following new item:

''Sec. 7529. Annual notification of per taxpayer share of Federal public debt.''.

SEC. _____. NATIONAL DEBT CLOCK DISPLAYED ON GOVERNMENT WEBSITES.

(a) DEFINITION.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551(1) of title 5, United States Code.

(2) CONGRESSIONAL WEBSITE.—The term ''congressional website'' means—

(A) the website relating to the Senate maintained by the Secretary of the Senate; and

(B) the website relating to the House of Representatives maintained by the Clerk of the House of Representatives.

(b) NATIONAL DEBT CLOCK.—The website of each agency and each congressional website shall include a national debt clock that displays the national debt and the rate of the increase in the national debt on a continuous basis.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1066 TO AMENDMENT NO. 1058

Mr. VITTER. Madam President, I ask unanimous consent to set aside the pending amendment and call up the Vitter amendment, No. 1066.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1066 to amendment No. 1058.

Mr. VITTER. I ask unanimous consent to waive the reading of the whole.

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

The amendment is as follows:

(Purpose: To specify acceptable forms of identification for the opening of credit card accounts)

At the end of the bill, add the following:

SEC. ___. FORMS OF ACCEPTABLE IDENTIFICATION FOR CREDIT CARD ISSUERS.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 127A the following new section:

"SEC. 127B. IDENTIFICATION AND VERIFICATION OF ACCOUNTHOLDERS.

''(a) IN GENERAL.—Subject to the requirements of this section, the Board shall prescribe regulations setting forth the minimum standards for card issuers under open end credit plans and cardholders regarding the identity of the consumer, that shall apply in connection with the opening of such a credit card account.

''(b) MINIMUM REQUIREMENTS.—The regulations required under subsection (a) shall, at a minimum, require card issuers to implement, and cardholders (after being given adequate notice) to comply with, reasonable procedures for—

''(1) verifying the identity of any person seeking to open a credit card account, to the extent reasonable and practicable;

''(2) maintaining records of the information used to verify a person's identity, including name, address, and other identifying information; and

''(3) consulting lists of known or suspected terrorists or terrorist organizations provided to the card issuer by any government agency, to determine whether a person seeking to open a credit card account appears on any such list.

''(c) FORMS OF ACCEPTABLE IDENTIFICATION.—A card issuer may not accept, for the purpose of verifying the identity of an individual seeking to open an account in accordance with this subsection, any form of identification of the individual, other than—

''(1) a social security card, accompanied by a photo identification card issued by the Federal Government or a State government;

''(2) a driver's license or identification card issued by a State, in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (49 U.S.C. 30301 note);

''(3) a passport issued by the United States or a foreign government; or

''(4) a photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Service).''.

(b) EFFECTIVE DATE.—Section 127B of the Truth in Lending Act, as added by this section, shall become effective 6 months after the date of enactment of this Act.

Mr. VITTER. Madam President, this is a very straightforward but important amendment. It would grant rulemaking authority to the Federal Reserve to set forth minimum standards for credit card issuers to establish a consumer's identity in order to prevent illegal immigrants—folks in the country illegally, breaking Federal law, including terrorists, in some cases, and including many others here illegally—from obtaining credit cards.

Madam President, we have all read numerous accounts of how this is actually a growth industry for some very large financial institutions. Not so long ago, in February 2007, the Wall Street Journal reported:

In the latest sign of the U.S. banking industry's aggressive pursuit of the Hispanic market, Bank of America Corp. has quietly begun offering credit cards to customers without Social Security numbers—typically illegal immigrants.

The same Wall Street Journal article detailed how Bank of America abused loopholes in customer identification rules to provide illegal immigrants with credit cards.

The new Bank of America program is open to people who lack both a Social Security number and a credit history, as long as they have held a checking account with the bank for 3 months without an overdraft. Most adults in the U.S. who don't have a Social Security number are undocumented immigrants.

Now, as we have a major credit crisis in this country, and particularly when we are throwing billions upon billions of taxpayer dollars at these same large financial institutions, I don't think it is too much to ask that they help us enforce our law, not to be a willing co-conspirator with lawbreakers, and to actually go after the illegal alien market as a new niche market or a new profit center. I think that is offensive because we do have a serious illegal immigration problem that we are trying to get our hands around in this country.

So again, my amendment is very simple. It doesn't say exactly what all of the detailed rules have to be. It simply gives the experts in the Federal system—in this case the Federal Reserve—rulemaking authority to set forth minimum standards for credit card issuers to establish a consumer's identity, and specifically to prevent illegal immigrants and terrorists from obtaining credit cards. It shouldn't be too much to ask, curtailing a little bit of the big banks and big credit card companies' business to do that, to at least be that careful. It isn't asking very much, and I believe this would be an important step forward in the proper enforcement of our immigration laws.

I thank my colleagues for their attention. I urge all of my colleagues, Democrats and Republicans, to support this commonsense, simple, but important amendment, and I look forward to a vote tomorrow.

I yield the floor, and 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. UDALL of Colorado. 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. UDALL of Colorado. Madam President, I rise on behalf of consumers in Colorado and across this country who work hard every day, pay their bills on time, and struggle to stay ahead in the midst of an economic recession. In the face of these challenges, the last thing Colorado families need is credit card companies that arbitrarily change terms and charge fees, offering only legalese and print so small you need a magnifying glass to read it.

Some credit card companies have been taking advantage of consumers for years. This bipartisan bill would give cardholders some much needed relief, and I am very glad we are taking it up this week. Why, Madam President? Because after the near financial collapse last year, Congress has worked to meet the needs of banks and financial institutions. I think it is time working families also had someone in their corner. This bill is about them. It is about making sure that families who pay their bills on time and stay within their means can't get charged excessive fees or see their interest rates jacked up without clear notice.

I have come to the floor, as many of my colleagues have today, to urge our other colleagues to support this important legislation.

We know how important short-term credit is to families, and we have all heard stories of people who have been victimized by the kind of unfair dealing that I am talking about tonight. As a longtime supporter of credit card reform, I have met with countless victims of the abusive practices of credit card companies. One of them was a wonderful woman by the name of Susan Wones, and I want to take a minute to share her experience with you tonight.

I met Susan in person last year when she flew from Denver to Washington to testify before Congress about the unfair treatment she received from a credit card company. She has a classic story. She has always maintained a high FICO score, never exceeded her card's limit, and always paid the amount required on time. In short, she is a good customer who plays by the rules and lives within her means. But despite Susan's good standing, one of her credit card issuers doubled her interest rate to 25 percent without notice.

When she later asked why, she was told the rate had been increased, not because she had missed a payment but because this particular credit card company decided her balance on another card was too high. This practice, known as universal default, will no longer be allowed if this legislation passes and is signed into law.

Unfortunately for Susan, this kind of treatment did not stop there. Just before she was prepared to testify in the House of Representatives, the powerful lobbying interests of the banks and credit card issuers insisted she sign a waiver relinquishing her privacy rights to her personal financial information. Then, a month later, after deals were worked out to have Susan return to Washington and finally tell her story without fearing her personal information would be released to the press, that information was released anyway.

While Susan had nothing to hide, the treatment she received is indicative of the abusive treatment American consumers have been subject to at the hands of credit card companies. This kind of treatment has to stop, and that is why we need this bill.

The bill will put in place some commonsense rules that will protect honest, hard-working Americans from unfair and downright abusive practices by credit card issuers. I first introduced similar legislation to protect individual consumers from this kind of unfair treatment by credit card companies back in 2006, as a Member of the House of Representatives. I reintroduced this bill in the House in 2007, and last year I worked with Representative CAROLYN MALONEY, from New York, to incorporate the principles of my bill in the Credit Cardholders' Bill of Rights.

I thank and acknowledge Congresswoman MALONEY for her hard work and dedication in working on that legislation, which passed the House last year and then again just a few weeks ago.

This year, one of my first steps as a freshman Senator was to join with Senator SCHUMER in introducing the Credit Cardholders' Bill of Rights in the Senate. The legislation we are considering today overlaps in every critical category with a bill Senator SCHUMER and I introduced. I did wish to acknowledge Chairman DODD for his leadership on this important issue.

Here is what the bill does, in short. It protects against arbitrary interest rate increases, No. 1. No. 2, it prevents cardholders who pay on time from being unfairly penalized. No. 3, it bars excessive fees and will require more fairness in the way payments are handled. Finally, it will prohibit the use of universal default clauses, as I mentioned earlier in my remarks.

With all due respect, we know how important the credit card industry is to modern America. For many Americans, consumer credit is more than a convenience, it is a necessity. You have the parent who uses short-term credit to buy groceries, the small business owner who uses credit to cover expenses. In that regard, a well-functioning credit card industry is absolutely essential to our economy. But this influence should not give the credit card industry the right to abuse customers with an ''anything goes in the name of profit'' approach.

For far too long, the Federal Government has placed the blame of individual's overbearing debts solely at the feet of the American consumer. Most notably, in 2005, the laws governing bankruptcy were fundamentally changed to prevent abuse. But while we passed laws to hold the consumer accountable, too much emphasis was placed on borrowers alone. Just as Congress has cracked down on the predatory lending that spurred the subprime mortgage crisis, Congress must also do more to promote responsibility by the credit card companies that provide this important consumer credit.

In the last several months, the Federal Government has taken extraordinary steps to respond to a financial crisis that has paralyzed the credit markets. This crisis was brought on, as we know all too well, by excessive leverage and risk-taking on the part of the very banks that have treated credit card customers such as Susan Wones so unfairly.

I supported many of those steps to rescue the financial industry, as many in the Senate have done as well—despite my distaste for doing so—because I believed they were necessary to stabilize our economy and get credit flowing again. It is now time we start working to level the playing field for American families who are being asked to pick up the tab.

As I close, I wish to underline that this is a commonsense bill whose time has come. It is time to stand for working families again. This legislation is a big step in that direction, and I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 1062 TO AMENDMENT NO. 1058

Mr. SANDERS. Madam President, I move to set aside the pending amendment so I can call up amendment No. 1062, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows.

The Senator from Vermont [Mr. SANDERS], for himself, Mr. HARKIN, Mr. LEAHY, and Mr. WHITEHOUSE, proposes an amendment No. 1062 to an amendment numbered 1058.

The amendment is as follows:

(Purpose: To establish a national consumer credit usury rate)

At the appropriate place, insert the following:

SEC. ____. NATIONAL CONSUMER CREDIT USURY RATE.

(a) IN GENERAL.—Section 107 of the Truth in Lending Act (15 U.S.C. 1606) is amended by adding at the end the following new subsection:

''(f) NATIONAL CONSUMER CREDIT USURY RATE.—

''(1) LIMITATION ESTABLISHED.—Notwithstanding subsection (a) or any other provision of law, but except as provided in paragraph (2), the annual percentage rate applicable to an extension of credit obtained by use of a credit card may not exceed 15 percent on unpaid balances, inclusive of all finance charges. Any fees that are not considered finance charges under section 106(a) may not be used to evade the limitations of this paragraph, and the total sum of such

fees may not exceed the total amount of finance charges assessed.

''(2) EXCEPTIONS.—

''(A) BOARD AUTHORITY.—The Board may establish, after consultation with the appropriate committees of Congress, the Secretary of the Treasury, and any other interested Federal financial institution regulatory agency, an annual percentage rate of interest ceiling exceeding the 15 percent annual rate under paragraph (1) for periods of not to exceed 18 months, upon a determination that—

''(i) money market interest rates have risen over the preceding 6-month period; or

''(ii) prevailing interest rate levels threaten the safety and soundness of individual lenders, as evidenced by adverse trends in liquidity, capital, earnings, and growth.

''(B) TREATMENT OF CREDIT UNIONS.—The limitation in paragraph (1) does not apply with respect to any extension of credit by an insured credit union, as that term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

''(3) PENALTIES FOR CHARGING HIGHER RATES.—

''(A) VIOLATION.—The taking, receiving, reserving, or charging of an annual percentage rate or fee greater than that permitted by paragraph (1), when knowingly done, shall be deemed a violation of this title, and a forfeiture of the entire interest which the note, bill, or other evidence of the obligation carries with it, or which has been agreed to be paid thereon.

''(B) REFUND OF INTEREST AMOUNTS.—If an annual percentage rate or fee greater than that permitted under paragraph (1) has been paid, the person by whom it has been paid, or the legal representative thereof, may, by bringing an action not later than 2 years after the date on which the usurious collection was last made, recover back from the lender in an action in the nature of an action of debt, the entire amount of interest, finance charges, or fees paid.

''(4) CIVIL LIABILITY.—Any creditor who violates this subsection shall be subject to the provisions of section 130.''.

(b) CIVIL LIABILITY CONFORMING AMENDMENT.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended by inserting ''section 107(f)'' before ''this chapter''.

Mr. SANDERS. Madam, this amendment, No. 1062, is being cosponsored by Senator HARKIN, Senator DURBIN, Senator LEVIN, Senator LEAHY, and Senator WHITEHOUSE. Before I speak on this amendment, let me begin by commending the chairman of the Banking Committee, Senator DODD, and Ranking Member SHELBY, for introducing the underlying bill we are debating today that, for the first time, would seriously begun to crack down on big banks and credit card issuers that are ripping off millions of American consumers by charging outrageously high interest rates and sky-high fees. The American people are saying loudly and clearly: Enough is enough. This legislation begins—begins—to move us in the right direction.

I also commend President Obama for his leadership on this issue. Without his tenacious support for this bill, it is doubtful we would have the necessary votes to pass this important piece of legislation—and we will have the necessary votes to do that.

Under the Dodd-Shelby bill, credit card companies will no longer be payable to raise interest rates at any time for any reason. Credit card companies will be banned from retroactively raising interest rates on consumers who are less than 60 days late in paying their credit card bills.

This bill also prohibits credit card issuers from increasing interest rates on consumers during the first year after a credit card account is opened, and it requires teaser rates to last at least 6 months, among many other things.

When I was the ranking member of the Financial Institutions and Consumer Credit Subcommittee in the House, I fought to end the ''bait and switch'' practices of the credit card companies for years. It is something we worked on for a long time in the House. I applaud Chairman DODD for putting a stop to some of the most egregious practices being perpetrated by the credit card companies today.

But while Chairman DODD and Ranking Member SHELBY deserve strong credit for standing up to the big banks and credit card issuers that oppose this legislation, in my view, this bill, as good as it is, does not go far enough. That is why I am introducing this amendment today. At a time when banks are receiving the largest taxpayer bailout in the history of the world, at a time when the Federal Reserve is providing banks with zero interest loans, those same banks are now charging consumers outrageous fees and sky-high interest rates on credit cards and other loans.

In other words, after taking $700 billion from the taxpayers, after getting zero interest loans from the Fed, what these banks are now saying is: Thank you very much, chump, we are going to take your money, and then we are going to charge you 25 or 30 percent interest rates.

All over this country, people are saying: Sorry, that cannot be allowed to continue.

That is why we are here tonight. Today one-third of all credit cardholders in this country are paying interest rates above 20 percent and as high as 41 percent—more than double what they paid in interest in 1990. Nineteen years later, people are now paying double what they paid in 1990. According to a recent Business Week article:

> Bank of America sent letters notifying some responsible cardholders that it would more than double their rates to as high as 28 percent, without giving an explanation for the increase. What's striking is how arbitrary the Bank of America rate increases appear.

In other words, they are doing it, and I know many people in Vermont call and they say: I paid my bills every month on time. Why are you doubling my interest rates? Essentially, what the bank is saying is: We are doing it because we can do it.

That is not acceptable.

Citigroup, Bank of America, Wells Fargo, and other banks should not be permitted to charge consumers 25 to 30 percent interest on their credit cards while they are getting bailed out by the middle-class taxpayers of this country. The amendment I am proposing with Senators HARKIN, DURBIN, LEVIN, LEAHY, and WHITEHOUSE would cap credit card interest rates at 15 percent, the same interest rate cap that Congress imposed on credit unions almost 30 years ago. Under our amendment, the Federal Reserve would have the authority to allow credit card lenders to charge higher rates if the Fed determines this cap would threaten the safety and soundness of financial institutions.

In other words, the time is now—not tomorrow, not next year, but now—to have a national usury rate. As a nation, what we must say is banks cannot charge people 25 percent or 30 percent. As I mentioned, this is not a new idea I pulled out of my ear. This, in fact, is what credit unions have been living under for the last 30 years. Do you know what. Credit unions are doing fine. I don't see them crawling in here asking for hundreds of billions of dollars of bailout money. They are doing fine with that regulation, and we should impose that same regulation on the private banks as well.

Establishing a national usury law is not a radical concept. Up until 1978, about half the States in our country had usury laws on the books capping credit card interest rates. While the State usury laws remain on the books in several States, they were effectively eradicated by a 1978 Supreme Court decision Marquette National Bank v. First of Omaha Service Corporation, which concluded that national banks could charge whatever interest rate they wanted if they moved to a State without a usury law, which is, of course, what they did. South Dakota, Delaware, other States do not have usury laws, and that is where these companies moved.

Our amendment simply applies the same statutory interest rate cap on credit cards that Congress imposed on credit unions in 1980, capping interest rates at 15 percent.

The National Credit Union Administration has the authority to raise interest rates if it determines the 15-percent cap threatens the safety and soundness of credit unions.

It is also important to know that the concept I am bringing forth tonight is one that former Senator Al D'Amato, Republican of New York—who was then chairman of the Banking Committee, by the way—advocated for in 1991, when he offered an amendment to cap credit card interest rates. The D'Amato amendment would have capped all credit card interest rates at 14 percent. Do you know what. That amendment won on the floor of the Senate by an overwhelming vote of 74 to 19. That was back in 1991. If that amendment received 74 votes in 1991, the truth is our amendment should receive even more because the situation

today is more egregious than it was in 1991.

Here is what the Republican Senator, then chairman of the Banking Committee, Al D'Amato said in 1991:

Fourteen percent is certainly a reasonable rate of interest for banks to charge customers for credit card debt. It allows a comfortable profit margin but keeps banks in line so that interest rates rise and fall with the health of the economy.

He was right then. We are right now.

The Bible has a term for what we are seeing today. I see a lot of my friends coming to the floor and quoting the Bible. I don't often do it, but let me do it at this moment.

In the Bible quite often we see the term ''usury.'' Usury. It appears very often in the Bible. Because not only in Christianity, but in Judaism, in the Muslim world, there is a reprehension against people who lend money out at outrageously high rates. There is a strong sense that that type of activity is not moral.

In Dante's ''Divine Comedy'' there was a special place reserved in the seventh circle of hell for sinners who charged people usurious interest rates. So that is a warning for our friends in the credit card companies. Beware.

Today we do not need the hellfire and pitchforks, we do not need the rivers of boiling blood, but we do need a national usury law capping credit card interest rates. That is why I am proposing this amendment today.

I am not under any illusion that this amendment will easily pass. After all, the financial services industry has spent over $5 billion on campaign contributions and lobbying activities over the past 10 years in support of deregulation, and they are spending even more money today trying to prevent Congress from seriously regulating their industry. They are a very powerful force here in Washington. In many ways all of that money has got us to where we are today with the collapse of major banking institutions.

Let me conclude by saying this: On April 24, a few weeks ago, I sent an e-mail to my Senate mailing list, and I simply said: Tell me how credit card companies are treating you. We did not know what kind of response we would get. But 3 days later, I had almost 1,000 responses, many from obviously the State of Vermont, but from people all over this country.

I took some of these responses and I put them into a booklet. Let me conclude by reading a few of those e-mails that I received.

Donna from Neptune, NJ, writes:

I want to know why consumers are not protected in any way from these predatory lenders who were bailed out with my taxpayer dollars and then turn around and raise my interest rates from 7 percent to 27 percent because of ''difficult economic times'' for the credit industry. This is outrageous. I have not missed a payment and my credit rating is in the high 800s. How can they keep getting away with this?

And Steven from St. Johnsbury, VT, wrote:

A couple of weeks ago, Bank of America sent us a letter saying they were going to raise our interest rate from 7.3 percent to 24 percent. The letter stated we could get our credit report to find out why. We received our credit report and I still have no reason why they wanted to raise our rate. We did opt out, kept the 7.3 percent and we destroyed our card, but we do know what was wrong with our credit report.

On and on it goes, arbitrary acts on the part of credit card companies, raising rates to outrageous levels. There is a lot of frustration on the part of the American people as to what has gone on in Wall Street, and the fact of what has gone on here in Congress.

The American people want to know that we are fulfilling our constitutional responsibilities and representing the needs of ordinary people and not just major financial institutions that may make lots of campaign contributions and have their lobbyists out lining the Halls of Congress.

The time is now to say there must be a limit on credit card rates. The time is now to pass a national usury law. I hope very much we will have the support of our colleagues in going forward on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1084 TO AMENDMENT NO. 1058

Mrs. GILLIBRAND. Madam President, I ask unanimous consent that the pending amendment be set aside so I may call up amendment No. 1084.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mrs. GILLIBRAND] proposes an amendment numbered 1084 to amendment No. 1058.

The amendment is as follows:

(Purpose: To amend the Fair Credit Reporting Act to require reporting agencies to provide free credit reports in the native language of certain non-English speaking consumers)

At the end of title V, add the following:

SEC. 503. CREDIT REPORTS IN CONSUMER'S NATIVE LANGUAGE.

Section 612(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681j(a)(1)) is amended by adding at the end the following:

''(D) NATIVE LANGUAGE REQUIREMENT FOR NON-ENGLISH SPEAKERS.—The disclosures required under this paragraph shall be provided, upon request, to the extent possible, in the native language of any consumer having limited ability to read, write, speak, and understand English, subject to such limitations and in accordance with such guidelines as shall be established by the Commission, in consultation with the Federal Interagency Working Group on Limited English Proficiency.''.

Mrs. GILLIBRAND. Madam President, my amendment is very simple. It basically says that the Fair Credit Reporting Act will require rating agencies to make available credit reports in languages other than English. This is very important, because we have 22 million Americans who have limited English proficiency, and so this basic requirement will make sure that these translations are made available so folks have the opportunity to understand what their credit report is.

When we have a serious economic downturn, as we have today, where we have 3.5 million jobs lost, more than half in the last few months alone, we need to do everything we can to get our families back in the fight to make sure that we have good jobs to make sure they can provide for their families.

Being able to understand your credit rating is very much part of that process. So this very simple amendment will make sure those 22 million Americans have access to their credit report in a form they can fully understand.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) The Senator from Oregon.

Mr. WYDEN. Mr. President, in the last Congress there was a Wyden-Obama amendment to better protect the rights of those who have credit cards in our country. My original cosponsor has obviously moved on and is doing important work for our country at 1600 Pennsylvania where he continues to advocate for the rights of consumers.

But I am very hopeful, and discussions are now taking place with Chairman DODD and Ranking Minority Member SHELBY, that it will be possible to get a bipartisan agreement here in the next day or so to advance the legislation that I and then Senator Obama originally proposed the last Congress.

I am very pleased that my original cosponsor this session is my new colleague from Oregon, Senator JEFF MERKLEY, who has a long record of advocating for the rights of consumers as well.

What Senator Obama and I originally proposed in the last Congress would direct the Federal Reserve to establish a safety rating system for credit cards. What then-Senator Obama and I sought to do was to make sure that cards with terms that are consumer friendly would be rated up, and cards with the tricky terms, the terms that are larded with qualifiers and exceptions and waivers, the legal mumbo jumbo that is so deceptive in the marketplace, those cards would be rated down. Under our legislation, credit cards with five stars would be deemed the safest; those with one star would be considered the least safe.

For example, credit card agreements that state that terms can be changed at any time for any reason would automatically get a one-star rating, because clearly that is the kind of consumer practice that has caused great difficulty for American consumers and is plain wrong.

I see our proposal operating much like the five-star crash rating system works for new cars. That system has worked. Americans have become better educated about how their car will protect them in a crash, and the rating system has helped incentivize the car industry as far as basic safety measures. When that rating system first

came out, a lot of the cars only received one or two stars. But then the basic principles of competition and free enterprise kicked in, and now you have got many of those cars receiving four or five stars.

I am very confident that what then-Senator Obama and I sought to do 2 years ago will accomplish exactly the same thing with credit cards. Similarly, the safety star rating will increase competition between credit card companies over the fairness of the terms in their contracts, which will create an incentive for them to use fairer terms for more credit cards.

Credit card companies would have to display the rating on all of their marketing materials, billing statements, agreement materials, and on the back of the card itself. Consumers would be able to see the ratings for their card and how their card got that rating on a stand-alone Web site that was created and operated by the Federal Reserve. The Federal Reserve would be responsible for updating the star system and making sure that if new terms or practices come to market, those terms or practices would be assigned an appropriate rating.

Card issuers currently compete on their ability to advertise, mostly advertising their interest rates and annual fees, but not on the fairness of their credit card contract. Card issuers advertise their great interest rates and their great rewards, and then try to tell the consumers that their cards will cost less to use. But too often the important information is buried, the information about early deadlines and arbitrary rules, and what happens is that these cards end up costing millions of consumers more.

I believe—and Senator MERKLEY and I continue to advocate this cause, a cause that began in the last Congress—we believe that consumers deserve to have the tools that are needed to make informed choices about what they buy. That, of course, is what the marketplace is all about, getting information to consumers so they can make the choices that make sense for them. We believe our legislation empowers consumers to better make the marketplace work in this critical area of our economy.

I want to close by saying I have always felt that in a free society, Americans have a right to make decisions that, by perhaps someone else's assessment, would be wasteful or ill advised. In effect, we have in our country a constitutional right to be pretty foolish with our money. The problem with credit cards is that too often the marketplace fails the millions and millions of Americans who want to manage their money responsibly. Too often the major provisions of these credit card agreements require that you have an advanced legal degree—not just a basic law degree but an advanced legal degree—in order to sort out the terms. I do not think it is right to say that you ought to, in effect, be someone who spends their free time reading the Uniform Commercial Code in order to make sense out of these credit card agreements.

I am very hopeful that now with millions of our people walking on an economic tightrope, it will be possible to use classic free market principles to encourage better behavior. This is not heavy-handed regulation. This is not run-from-Washington micromanagement that is going to jack up somebody's credit card rates. This is about disclosure. This is about making sure that people in the marketplace understand what is in front of them, and that they are in a better position with objective information, in this case supplied by the Federal Reserve, overseen in a system operated by the Federal Reserve.

Consumers would be able to make better choices while forcing the credit card companies to compete not on who can best craft these technical legalistic terms of legal mumbo jumbo, but instead who best informs the public about their credit card choices and who addresses the rights of consumers with responsible practices.

I will continue to talk with Chairman DODD and the ranking minority member Senator SHELBY. They are familiar with what Senator Obama and I sought to do in the last Congress. I am glad this bill is on the floor. It is high time the rights of credit card consumers were addressed, that credit card consumers got a fair shake.

I think I have got the best possible partner, somebody who has been a long-standing advocate of consumers' rights, in Senator MERKLEY. We are hopeful in the next day or so that we will be able to forge an agreement with the chairman and the ranking minority member.

I yield the floor, and 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. Mr. 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. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

MITCHELL SCHOLARSHIP PROGRAM

MR. DODD. Mr. President, I rise today in support of the George J. Mitchell Scholarship program. On May 19, 2009, the Taoiseach will meet with the current 12 American Scholars, and congratulate them on their impressive achievements.

For nearly 10 years, this important program has allowed exceptional young Americans to engage in a rigorous, intellectually stimulating course of study in some of Ireland's most renowned institutes of higher learning. The Mitchell Scholarship has allowed America to deepen its strategic, political, and cultural ties with Ireland and helps prepare future American leaders for an increasingly globalized world. I can think of no better way to honor Senator George Mitchell and his pivotal role in bringing peace to Northern Ireland than through this valuable program dedicated to deepening our ties to Ireland.

I fondly remember meeting the inaugural class of scholars in late 2000 when I visited Ireland with President Clinton, and I have proudly watched the Mitchell Scholarship program grow to become one of America's most respected overseas scholarships. I look forward to watching the Mitchell Scholarship program continue to prosper and further enrich U.S.-Irish relations.

PRESIDENT OBAMA'S FIRST 100 DAYS

Mr. HATCH. Mr. President, in recent days, the White House, the news media, and many in this Chamber have taken the opportunity to reflect on the first 100 days of President Barack Obama's administration. I rise today to offer my comments and evaluation in light of this milestone.

Admittedly, it is somewhat arbitrary to use the 100-day point in a Presidency as a time for evaluation.

Indeed, success in the first 100 days doesn't guarantee success in the next 100 days or for the rest of a Presidential term. Likewise, struggles and failures in the first 100 days do not necessarily predicate similar troubles in the future. It is certainly the case that, as with most administrations, the defining moments of this current President are yet to be written.

That said, President Obama's first 100 days have provided us with some unique insight into this President and how he intends to govern. It is this insight that informs my comments here today.

The President came into office facing unprecedented expectations. While some of these expectations may have been unfairly placed upon him by some starry-eyed supporters who believed him to be a politician, a movie star, and a religious figure all in one, he brought much of the pressure upon himself. President Obama campaigned on a platform of big promises, not the least of which was a promise to change the tone here in Washington and move the country past the bitter partisan divides that has kept us polarized in recent years.

But as any reasonable person observing U.S. politics will concede, we are not on that path yet.

The supporters of the President will argue that he cannot accomplish such

a daunting task alone and I tend to agree with them. However, so far, the President has done very little on his end to make good on that promise and that has been his biggest failing during the first 100 days.

The problems began right out of the gate when the Congress debated the SCHIP reauthorization language. I was an original author of the SCHIP program and had been one of its strongest supporters. In fact, over the years, a number of Republicans in this Chamber—including myself and Senator GRASSLEY—had endured a lot of criticism among our more conservative constituents over our support for the SCHIP program.

During the 110th Congress, we worked with the Democratic majority to forge a bipartisan compromise in order to ensure widespread support for reauthorizing this program. This included some common-sense proposals to ensure the program was an efficient use of taxpayer funds. Yet, when the 111th Congress convened, the President and his supporters in Congress left that compromise on the side of the road and instead chose to push through a more expansive and liberal version of the bill. In the end, the bill passed on a vote divided on partisan lines.

So, in the earliest days of his administration, the President was presented an easy opportunity to place unity and bipartisanship ahead of a far-left Democratic agenda and, unfortunately for the SCHIP program, he balked and, in doing so, he set the tone for the early months of his Presidency.

Shortly thereafter, the President came to Congress with a proposed ''stimulus package'' at a pricetag of nearly a $1 trillion. Although it was eventually reduced to $790 billion, the ''stimulus package'' basically read like a wish-list of long-time Democratic policy priorities and had very little to do with actually stimulating the economy. For example, small businesses, which create 70 percent of the new jobs in this country, went virtually unnoticed in the President's ''stimulus'' bill, which focused more on expanding the Federal Government and providing ''tax credits'' for millions of Americans who don't pay any taxes.

The President had an opportunity to work with Republicans on the ''stimulus'' and include ideas that are proven to have immediate economic impacts—like reducing the highest corporate tax rates in the industrialized world to keep businesses in the U.S. or tax credits to address the housing crisis.

Instead, he chose to cut Republicans almost entirely out of the negotiations and was content to have the support of only three members of the minority voting in favor, one of whom officially joined the majority earlier this week.

Almost as disappointing as the substance of the bill was the President's tactics in debating the ''stimulus.'' Rather than acknowledging sincere policy differences between Democrats and Republicans, he accused the Republicans of wanting to do nothing, which was anything but the truth. This too has become an unfortunate, yet commonly used, tactic used by the Obama administration.

The partisan recklessness continued into the debate over the President's budget. I have been in the Senate now for 33 years and I can say without reservation that President Obama's first budget is the most poorly crafted budget I have ever seen. In 1 year, the President's budget will quadruple the Federal deficit—That is the case even if you use the President's own estimates. Following the President's budget will create more debt than was created under every President from George Washington through George W. Bush combined. It also contains the largest tax increase in history of our union. And, under the Obama budget, government spending could end up as high as 40 percent of the GDP within the space of only a few years.

In order to assuage such concerns—or at least in order to pretend to do so—the President has claimed that his budget will cut the deficit in half over 5 years. So, he will quadruple the deficit in 1 year—but we don't have worry because, 5 years from now, he will cut that deficit in half? Does anyone really think the President was considering his promises of bipartisanship when drafting this budget?

It is not only the size of the budget, but its priorities. Like the stimulus bill, the President's budget reads like a policy manifesto for far-left Democrats. Worse still, the President and congressional majority have declared their intentions to use the budget reconciliation process in order to enact major pillars of their domestic policy platform, including an expansive government-run health care program and an energy tax euphemistically referred to as ''cap and trade.'' These are bills the President couldn't get passed through regular order, even with the large Democratic majorities. So, instead, he seems willing and able to force them through with little substantive debate, leaving the minority completely out of the equation.

Once again, it appears that the President's promise of increased bipartisanship came with an expiration date.

I wish this was all, but unfortunately it is not. The President's failure to live up to his promises of bipartisanship extends into the national security sphere. One of his very first actions as President was to order the closure of the Guantanamo Bay prison facility. Of course, he didn't have an alternative plan in place, only the stated desire to close the prison and to cast aspersions on his predecessor's efforts to protect our country's national security. Such inane details—like what we will do with these dangerous captives once the facility closes—could wait until later, the President had a political statement to make.

Just 2 weeks ago, President Obama opted to selectively declassify memos drafted by the Office of Legal Counsel during the Bush administration relating to CIA interrogation tactics. Instead of providing the American people real context about these tactics—their successes and failures—the President opted to placate those on the far left who want nothing less than an indictment and trial of our former President. He did this for the stated purpose of clearing the air and moving forward, yet he left open the possibility of prosecuting former Bush officials whose only alleged crimes were to offer legal opinions. One would think that a President who is truly interested in bipartisanship and moving forward would avoid further politicizing such contentious issues. Yet, as a result of the President's lack of leadership, we may be looking at months and years of show trials in order to pacify those on the far left who would criminalize policy differences in order to exact political vengeance on the Bush administration. I hope that this will not be the case and that the President will change course on these issues.

Now, to be fair, the President has made some good decisions during his first 100 days and I am not unwilling to give him credit where it is due. For example, he ended the ban on Federal funding for embryonic stem cell research. I have supported taking such measures for many years as I believe that this research has the potential to revolutionize medicine in this country. This was, in my view, a wise decision on the part of the President and I have commended him for it.

Likewise, the President exercised true leadership in helping Congress to pass the Edward M. Kennedy Serve America Act, a new law that will revolutionize volunteer service in this country. This bill was a long-time coming and had the support of a bipartisan coalition here in the Senate. Beginning with his address before Congress in February, President Obama got involved in helping this legislation move forward and, as a result, many people throughout the country will be given more opportunity to serve in their neighborhoods and to do much of the heavy lifting in fixing our Nation's problems. I have both publicly and privately thanked the President for his support of the Serve America Act.

Sadly, such instances of true bipartisanship have been few and far between.

Some may believe I am being too hard on the President or that my concerns are just sour grapes over my own partisan disagreements with the President's agenda. But, from the day he was inaugurated, I have continually expressed my willingness to work with President Obama. After all, this is my country too and I want him to succeed. My record in being willing and able to work with Members of both parties speaks for itself. But, in my opinion, success in addressing the major issues facing our country—including health care, energy, and our crippling entitlement programs—will require the work

and ideas of both parties. So far, with very few exceptions, the President seems all too willing to keep his own counsel and that of his fellow Democrats on how to address these issues. This is not the type of government he promised on the campaign trail and, quite frankly, I think it has led to policy results that, at best, have to be considered questionable.

Going forward, I hope that, instead of cursory gestures and empty statements encouraging bipartisanship, President Obama makes a real effort to listen to and accept ideas from both sides of the aisle. That will take real courage and leadership and, thus far, I don't know that he has demonstrated much of either.

FREE MEDIA IN THE OSCE REGION

Mr. CARDIN. Mr. President, earlier this month we marked World Press Freedom Day, a timely opportunity to draw attention to the plight of journalists and others involved in the press and media in the OSCE—Organization for Security and Co-operation in Europe—region. While all 56 OSCE countries have accepted specific commitments on media and working conditions for journalists, the difficulty remains translating words on paper into deeds in practice. Today, many courageous journalists are working under tremendously difficult conditions, often at great personal risk, with some paying the ultimate price for their journalistic pursuits.

According to the U.S.-based Committee to Protect Journalists, CPJ, nearly a dozen journalists and their colleagues have been killed in the OSCE region since last year's observance. Among those slain in Russia were Anastasiya Baburova, of Novaya Gazeta; Shafig Amrakhov, of RIA 51; Telman Alishaya, of TV-Chirkei; and Magomed Yevloyev, owner of the popular Web site Ingushetiya, who was killed while in police custody. Scores of journalists have been murdered in Russia alone since the early 1990s.

Others slain over the past 12 months included Ivo Pukanic and Niko Franjic, both of Nacional, in Croatia; and freelance journalists Alexander Klimchuk and Grigol Chikhladze, with Caucasus Images, as well as Dutch RLT TV veteran cameraman Stan Storimans, killed in the conflict zone during the war in Georgia last August. Besides war correspondents, victims often include investigative journalists covering politics, corruption, and human rights.

We are approaching the fifth anniversary of the slaying of American journalist Paul Klebnikov in Moscow. I call upon the Russian authorities to bring to justice all of those responsible in any way for his murder.

As chairman of the Helsinki Commission, I note the vital work undertaken by the OSCE Representative on Freedom of the Media, Miklos Haraszti, a tireless advocate for freedom of expression and the courageous journalists who pursue their profession, sometimes at great personal risk. The reports of the OSCE Representative on Freedom of the Media are available at: http://www.osce.org/fom/. Freedom of expression, free media, and information has been selected as a special focus topic for the OSCE's annual Human Dimension Implementation Meeting, scheduled to be held in Warsaw, Poland, this fall.

NOMINATION OF DAVID HAYES

Mr. INHOFE. Mr. President, I would like to speak on the nomination of David Hayes to be Deputy Secretary of the Interior. The Department of Interior has made some key decisions in the past few months that I think warrant special attention and discussion before we vote on this nominee. I also want to note that several issues surrounding this nominee fall under the jurisdiction of the Environment and Public Works Committee, on which I serve as ranking member. As Deputy Secretary at the Department of Interior, Mr. Hayes would oversee the implementation of the Endangered Species Act, a law that the EPW Committee oversees.

As chairman of the EPW Committee for 4 years, and now in my third year as ranking member, I have worked a considerable amount with the Department of Interior, specifically the Fish and Wildlife Service, and its implementation of the Endangered Species Act. As ranking member, one of my roles is to exercise rigid oversight of executive branch actions under EPW jurisdiction. In the past, I have seen many good things come from the Department of Interior, such as the Partners for Fish and Wildlife Program, which conserves habitat by leveraging Federal funds through voluntary private landowner participation, as well as the delisting of the Bald Eagle, showing what good the ESA can accomplish. However, recent actions to reverse rules related to ESA have bothered me.

Through my role as ranking member on the EPW Committee, I have become concerned with the possibility of the ESA being used as a backdoor for greenhouse gas regulation following the listing of the polar bear as a threatened species. In April, I joined other Senators in a letter to Commerce Secretary Locke urging him not to reverse regulations preventing the Endangered Species Act from regulating carbon dioxide. Now as we move to debate the David Hayes nomination this week, we must again carefully consider the motives of this administration in using the Endangered Species Act. ESA should be used as a tool for protecting truly threatened and endangered species, not for controlling the emissions of greenhouse gases from potentially every source, big or small, in America.

Two weeks ago, I voted for Tom Strickland to become the new Assistant Secretary for Fish, Wildlife, and Parks, after he was reported out of our committee. As with David Hayes, I took issue with the nomination of Assistant Secretary Strickland, raising questions concerning the administration's decision to reverse rules on the listing of the polar bear and modifications to the section 7 consultation process. Thankfully, just last week, Assistant Secretary Strickland and Secretary Salazar upheld the polar bear rule. While the decision by Interior to retain this rule shows good judgment by this administration, potential lawsuits by radical environmental groups still threaten to undermine the original intent of the Endangered Species Act.

What is most troublesome, however, is the decision by Interior to overturn the section 7 consultation rule in complete disregard of the Administrative Procedures Act. That is in direct contrast to President Obama's commitment to transparency and public process. Moreover, revoking this rule forces Federal agencies to consult with the Fish and Wildlife Service for each new Federal action that may result in the emission of greenhouse gases. Under the ESA, a Federal action agency is required to initiate consultation with the Fish and Wildlife Service or the National Marine Fisheries Service if it determines that the effects of its action are anticipated to result in the ''take''—including potential harm—of any listed species, or the destruction or adverse modification of designated critical habitat. This includes actions the agency takes itself, actions that are federally funded, as well as the issuance of a Federal permit or license for a private party.

The final rule as published last December exempted from consultation actions which are ''manifested through global processes and (i) cannot be reliably predicted or measured at the scale of a listed species' current range, or (ii) would result at most in an extremely small, insignificant impact on a listed species or critical habitat, or (iii) are such that the potential risk of harm to a listed species or critical habitat is remote.'' Unfortunately, after Interior's recent decision to reverse this rule, Federal agencies are again subjected to consulting Fish and Wildlife Services in these areas. This is a very costly process, which would cover any number of highway and construction projects, including, among others, those under the jurisdiction of the Army Corps of Engineers.

Senator MURKOWSKI, the ranking member of the Senate Energy Committee, has made her position very clear on Mr. Hayes by placing a hold on his nomination until her questions to Secretary Salazar are fully answered. The Department, and environmental groups, could manipulate the Endangered Species Act and the polar bear listing for purposes never intended by Congress. Moreover, repealing regulations without public hearings or public comment is a bad way to start an administration, as it signals to the public

that its views on important regulatory matters are irrelevant. It is my hope that Mr. Hayes will fully explain his position on these important issues, and that the Department of Interior will practice openness and transparency, as President Obama has promised, by including the views of stakeholders and the public when it makes decisions.

TRIBUTE TO KENT WELLS

Mr. ROBERTS. Mr. President, I rise today to offer a special tribute to Kent Wells, a Kansan and longtime friend, who has turned his own battle with multiple myeloma into a fight for continued research to benefit the Multiple Myeloma Research Foundation, MMRF.

Multiple myeloma is an incurable cancer of the plasma cell. It is the second most common blood cancer. There are approximately 50,000 people in the United States living with multiple myeloma and an estimated 15,000 new cases of the disease are diagnosed each year.

The Multiple Myeloma Research Foundation, which was established in 1998 as a nonprofit organization, has a unique mission to urgently and aggressively invest in research that will result in the development of effective treatments and, ultimately, a cure.

Today, MMRF has raised over $100 million to support the world's most cutting-edge myeloma research. The foundation is widely recognized as the driving force behind progress made against the disease and one of the Nation's most groundbreaking cancer research organizations.

When Kent received his diagnosis in 2007, he began working with the foundation, personally benefiting from the research and the clinical drugs that have been established. But he understands all too well that much more must be done, and Kent has chosen to fight for his own health and for the health of others by further supporting the work of MMFR.

This week, on Kent's behalf, dozens of his friends and colleagues are sponsoring an event that will raise money for the Multiple Myeloma Research Foundation so that it can continue the efforts to develop the necessary research to conquer this disease.

It should come as no surprise to Kent that his friends and colleagues from all walks of life have come together to share this fight with him and his wife Debbie and their sons, Trevor and Bryan.

I first met Kent in 1975. Kent was a young man from Garden City, KS, interning in Washington for my predecessor, Congressman Keith Sebelius. I was the Congressman's chief of staff at that time.

I would like to take a little credit for giving Kent his start in public service, hiring him for that internship. ''Potomac Fever'' must have bit Kent because after he finished law school at George Washington University, he became a legislative assistant for Senator Nancy Kassebaum. And our friendship continued.

Yes, I admit to omitting one small part of his biography here. Kent did receive his undergraduate degree from the University of Kansas in Lawrence. He is a proud Jayhawk, something that he never lets this Wildcat forget.

Truth be told, I think that Kent would have chosen Jayhawk basketball over Washington internships, but he didn't make the team. Kent, I never told you that we would have welcomed you with open arms to the K-State team. Instead, Kent had to settle for pickup games in Washington when he came to work for Senator Kassebaum.

One of the genuinely nice things about working in Washington is that staff for the Kansas delegation get to know one another and actually become family—not on every occasion or in every instance—but often in sharing a common experience.

I could get into quite a laundry list of mutual experiences I have enjoyed with Kent, his brother Kim, and the Wells family, great supporters and friends. Not to embarrass Kent, but with his smile and personality he could brighten up any room regardless of the occasion. Kent Wells is just one of those people you like to be around, and that genuine personality plus a lot of talent has served him, and those he has worked for, well.

That is, of course, with the exception of the pickup basketball games I mentioned before. It was at a local gym that the Dole, Kassebaum, Roberts staffers and other hangers-on would play Saturday mornings.

My role, given my athletic career had sunset years previous, was to pass the ball to the players like Kent and set blind-side picks. Kent is a slasher but really prefers an outside set shot. Somehow, we ended up on opposing teams.

My team would be composed of big Bill Taggart, who simply walked around the gym for exercise and would occasionally kick the out of bounds ball back; Rich, ''The Mule'' Armitage—enough said; a couple of pickup players who simply ran with the ball as fast as they could.

Kent and Randy Miller, another staffer and good basketball player, had their own handpicked team that, for the most part, scored at will with absolutely no respect for an elder Member of Congress except to call fouls.

The trash talk would go something like:

''All he does is foul people, stay at one end of the court and try that old flat hook shot.''

''I know, but we have to have five people, just stay out of his way or if we get him, tell him to pass you the ball.''

You would think one would expect a little more respect, especially since I would bring my young son David to shoot baskets on another court. But not these guys. The Jayhawk crimson and blue was running in their veins and they pretty much ran me off the court. But I did set some hellish blind side picks, hit 1 out of every 10 flat hook shots, and had great times that are wonderful memories.

Kent's career goes well beyond Capitol Hill. Today he is a successful telecommunications executive, but one of his joys is that he has passed the love of KU basketball to Trevor and Bryan, both of whom proudly sport KU attire on campus at USC and Wisconsin.

Now we have come full circle with the Wells family. Thanks to his Dad's passion for public service, Bryan Wells begins an internship with my office this summer. He is clearly a chip off the old block.

I stand today with all of the Wells family and friends in support of Kent's efforts to promote increased awareness and research for the Multiple Myeloma Foundation. He and others facing this disease are not alone.

Mr. BROWNBACK. Mr. President, I would like to take this opportunity and discuss a former resident of my home State of Kansas and a disease that is affecting millions of Americans and honor him today on a special occasion that is occurring to benefit the Multiple Myeloma Research Foundation.

Multiple myeloma is an incurable cancer of the plasma cell. It is the second most common blood cancer. There are approximately 50,000 people in the United States living with multiple myeloma and an estimated 15,000 new cases of the disease diagnosed each year. The 5-year survival rate for multiple myeloma remains only 32 percent.

Multiple Myeloma Research Foundation, MMRF, was established in 1998 as a nonprofit organization with a unique mission to urgently and aggressively invest in research that would result in the development of effective treatments and, ultimately, a cure. Today, MMRF has raised over $100 million to support the world's most cutting-edge myeloma research. The MMRF is widely recognized as the driving force behind progress made against the disease and one of the Nation's most groundbreaking cancer research organizations.

Guided by an innovative scientific plan, the MMRF supports one of the world's most strategic and aggressive research drug and development portfolios. This diverse portfolio is comprised of cutting-edge programs in three paths—basic science, validation, and clinical trials—that represent the MMRF's research strategy. Taken together, these research programs will accelerate the pace of scientific discovery, rapidly transform scientific progress into lifesaving treatments, and ultimately lead to a faster cure for multiple myeloma.

I ask Congress to continue to look at ways that we can assist the research and health communities to fight this disease and help treat myeloma patients.

I would like to take a few minutes and tell you about a special Kansan

whom I know quite well and who is currently battling multiple myeloma.

Kent Wells was born and raised in Garden City, KS. Kent's first job was working at the radio station in Garden City. His family moved to Washington, DC, in 1970 while Kent was in high school because his dad was appointed as an FCC Commissioner. Kent attended Jeb Stuart High School for 1½ years before returning to Garden City to complete his senior year and graduate with his class.

Kent attended college at the University of Kansas from 1972 to 1976, interning for Representative Keith Sebelius in 1975, who at the time was the chief of staff of my current Senate colleague from Kansas, PAT ROBERTS. Kent attended law school at George Washington University from 1976 to 1979. Kent's first job after law school was as a legislative assistant to former Senator Nancy Kassebaum from Kansas from 1979 to 1982.

Kent then went to work for Southwestern Bell in 1985, shortly after divestiture and the opening of the Washington offices for the Baby Bells. He moved to the Cingular office in February 2001 and back to AT&T in January 2007.

Kent has kept close ties to Kansas through his love of sports. He follows the Kansas City Chiefs and the Royals closely, but as anyone who knows him will tell you, he is crazy about Kansas basketball and rarely misses a Jayhawks' game. One of his joys is that he has passed the love of KU basketball to his two boys, Trevor and Bryan, both of whom proudly sport KU attire on campus at USC and Wisconsin. Kent's parents moved from Garden City to Lawrence several years ago, which gives him lots of chances to visit Lawrence and Allen Field House just to get another look at that championship trophy. He also is always for a trip to Hutchinson, KS, to play golf at Prairie Dunes Golf Club.

Kent was diagnosed in 2007 with multiple myeloma and has been benefited from the work of MMRF in the research and the clinical drugs that have been established. But as Kent and thousands of other Americans face this disease, there is more work to do.

Colleagues of Kent's and his wonderful wife Debbie are sponsoring an upcoming event on May 13, 2009, that will raise money for Multiple Myeloma Research Foundation and continue the efforts to develop the necessary research to fight this disease.

ADDITIONAL STATEMENTS

COMMUNITY BANK OF RAYMORE'S 30TH ANNIVERSARY

• Mr. BOND. Mr. President, on behalf of my fellow Missourians, I extend my warmest congratulations to the Community Bank of Raymore for their 30 years of service to the community.

Community Bank of Raymore opened its doors on May 15, 1979. As the first chartered bank in Cass County, MO, in 45 years, Community Bank of Raymore takes pride in being an independent community owned bank and is committed to serving its customers financial needs.

Starting out in a temporary facility at the current location, Raymore's population was only 3,138 consisting of mostly farm ground.

The first bank building was completed in March 1980. The entire community celebrated the open house and accounts began to grow. It was estimated by an FDIC investigator that total deposits would reach 2 million in 1½ years. This milestone was passed in the first 6 months. Slogans were used such as ''Drive a Mile—Get a Smile'' in 1980 and later as area housing developed the slogan became ''The U in CommUnity is You.''

William R. McDaniel purchased Community Bank of Raymore on October 26, 1992, and immediately became part of the community by hosting Customer Appreciation Days, Open House Celebrations and Chamber Coffees.

By 1994 it was time to expand. A new facility was built adding 2,800 square feet to the existing building. In 1998 expansion accompanied the addition of Trust Services in January and the opening of the Peculiar Branch in June.

Community Bank of Raymore doubled in size in 2003 going through a 14-month remodel while continuing to serve the needs of their customers. The bank also acquired a mortgage lending officer allowing them to serve area residents with their long-term home financing needs.

Many of their employees, directors and customers have been with the Community Bank of Raymore from the very start. The Community Bank of Raymore should be commended for the dedication and loyalty they have earned from the community in which they serve.

I am pleased to honor the Community Bank of Raymore on its 30th anniversary.•

2009 ACADEMIC DECATHLON

• Mrs. BOXER. Mr. President, I wish to recognize the great work and remarkable accomplishments of Moorpark High School's Academic Decathlon team for winning the 2009 Academic Decathlon and becoming back-to-back national champions. Members of the National Championship team include: Scott Buchanan, Michael Fantauzzo, Danielle Hagglund, Zyed Ismailijee, Sol Moon, Neil Paik, Marlena Sampson, Kris Sankaran, Sarah Thiele, and team coach Larry Jones.

With this win, Moorpark High School has earned the distinction of becoming a four-time Academic Decathlon National Champion, previously winning in 1999, 2003, and 2008. The fourth and most recent championship was won by earning an overall score of 51,289.5, 309.6-points higher than their closest competitor.

Competing in an academic decathlon is a daunting task. Students spend many hours studying, practicing, and competing, often away from their family and friends. However, I know that families across Moorpark are now celebrating the accomplishments of their home team. I invite all of my colleagues to join me in congratulating California's Moorpark High School Academic Decathlon team for becoming 2009 National Academic Decathlon Champions.•

TRIBUTE TO JIM MCCOMB

• Mr. CARDIN. Mr. President, today I pay special tribute to the outstanding accomplishments of Jim McComb, executive director of the Maryland Association of Resources for Families and Youth—MARFY—since 1989. I have known Jim for many years and I have the utmost respect for him and what he has been able to accomplish for children in Maryland and across the Nation.

Jim McComb is known as one of our Nation's leading child advocates. He was among the first in the country to call for the elimination of restraints and seclusion in the treatment of children. He led the effort that made Maryland one of the first States in the country to ensure that college tuition would be available for young students in foster care.

During his tenure as executive director, MARFY greatly expanded its role in advocating for disadvantaged children and youth, those with disabilities, and their families. Under his leadership, the association played a prominent role in forming several advocacy coalitions including the Maryland Juvenile Justice Coalition and the Coalition to Protect Maryland's Children.

Jim McComb began his career in the early 1960s as a part-time childcare worker at Edgemeade, a residential treatment center and school for adolescents with mental illness and severe emotional disturbances in Prince George's County, MD. By the end of the 1960s, he had become the director of residential services for Edgemeade of Virginia.

In 1970, Jim went to Ironton, OH, to become the administrator of the Ohio Center for Youth and Family Development, a residential treatment center for adolescents. From 1975 through 1979 he was administrator for contracts and services with Youth Resources Centers, Inc., Roanoke VA. In 1979, he returned to Maryland as the chief executive officer for Edgemeade and in 1989 he became the executive director of MARFY.

I had the distinct pleasure of working with Jim on the Foster Care Independence Act that was enacted into law in 1999. The bill increased education and support services for foster care children between ages 18 and 21, an age group that had previously been tremendously underserved.

In the next phase of his life, Jim will serve on the board of directors of the

Maryland Foster Youth Resource Center, which provides a variety of supportive resources for both youth in foster care and alumni of the foster care system.

I ask my colleagues to join me in applauding the many accomplishments of Jim McComb and in wishing him success in his future endeavors.●

CONGRATULATING THE MINNESOTA NATIONAL GUARD

● Ms. KLOBUCHAR. Mr. President, today I wish to congratulate Battery D of the 216th Air Defense Artillery on receiving the U.S. Army's Valorous Unit Award for extraordinary heroism against an armed enemy while deployed in support of Operation Iraqi Freedom.

This is the second highest unit decoration in the Army and a proud achievement. Our State and our country are grateful to have these brave men and women serving in the Minnesota National Guard.

America's National Guard and Reserve Forces are playing an increasingly important role in today's military, and time and again the Minnesota National Guard has answered the call of duty. Delta Battery answered the call by serving in Iraq during a time of great need, and their actions helped make the formation of an Iraqi government possible. It is stories like theirs that have made the Minnesota National Guard such a well-known and well-respected organization at the highest levels of our Nation's military and Government.

As Minnesota's Senator, I will continue to do my part to make sure that our Government serves our men and women in uniform as well as they have served our country. This includes doing more to make sure that members of the Guard and Reserve Forces who have been called to Active Duty are not treated any differently than their Active Duty counterparts when they return home. There wasn't a waiting line when our National Guard troops signed up to serve, and there shouldn't be a waiting line when they need access to the services and support they have earned through their service.

Every day I feel honored to represent the members of the Minnesota National Guard in the Senate. We owe our thanks to Adjutant General Larry Shellito for his steady leadership and to our troops for what they do every day. It does not go unnoticed.●

CONGRATULATING THE MINNESOTA NATIONAL GUARD

● Ms. KLOBUCHAR. Mr. President, today I wish to congratulate the 1st Battalion, 125th Field Artillery Regiment on receiving the U.S. Army's Meritorious Unit Commendation for exceptionally meritorious conduct while deployed in support of Operation Iraqi Freedom. I join the U.S. Army in recognizing this unit for their outstanding devotion and superior performance in military operations against an armed enemy.

Our State and our country are grateful to have these brave men and women serving in the Minnesota National Guard.

America's National Guard and Reserve Forces are playing an increasingly important role in today's military, and time and again the Minnesota National Guard has answered the call of duty. The 1–125th Regiment answered the call by serving in Iraq during a time of great need, and their actions helped reduce violence in that country. It is stories such as theirs that have made the Minnesota National Guard such a well-known and well-respected organization at the highest levels of our Nation's military and Government.

As Minnesota's Senator, I will continue to do my part to make sure that our Government serves our men and women in uniform as well as they have served our country. This includes doing more to make sure that members of the Guard and Reserve Forces who have been called to Active Duty are not treated any differently than their Active-duty Counterparts when they return home. There wasn't a waiting line when our National Guard troops signed up to serve, and there shouldn't be a waiting line when they need access to the services and support they have earned through their service.

Every day I feel honored to represent the members of the Minnesota National Guard in the Senate. We owe our thanks to Adjutant General Larry Shellito for his steady leadership and to our troops for what they do every day. It does not go unnoticed.●

REMEMBERING RAMÓN M. BARQUÍN

● Mr. MARTINEZ. Mr. President, it gives me great pleasure to honor an individual who lived in pursuit of a free Cuba and a better America—Colonel Ramón M. Barquín, who died at the age of 93 on March 3, 2008. Colonel Barquín was an accomplished military leader, an educator, a diplomat, and an entrepreneur. Although Cuba was his native home, he made our Nation a better place during the years he lived in exile.

Ramón was born in Cienfuegos, Cuba, on May 12, 1914. At the age of 19, he joined the Cuban Army, served his country, and graduated from the Cuban Military Academy in 1941. During his years of military service, Colonel Barquín attended the U.S. Strategic Intelligence School here in the U.S. Following a distinguished career in the military, Colonel Barquín found his passion in teaching. In the classroom, he worked to instill a culture of civic awareness within the military's ranks and eventually was promoted as director of Cuba's military schools.

Following his career in Cuban military education, Barquín was selected to serve as Chief of Intelligence of the Cuban Army. As an attaché to the United States, Colonel Barquín was honored in 1955 with the Legion of Merit for his military acumen. While serving as an attaché, he learned of the shifting political winds in Cuba and conspired to prevent freedom from losing its foothold in his native home. I can remember as a young boy living through tumultuous times, my father often remarking that in Colonel Barquín, Cuba had the best hope for democracy. His concerns led him to participate in a failed military revolt against the Batista dictatorship and actively work against Castro's totalitarian regime. When Castro came to power, he asked Barquín to serve in the regime's army. Knowing the regime's repressive nature, Colonel Barquín instead chose to serve in an ambassadorial post in Europe, where he was able to flee to the United States to live in exile.

After briefly living in Miami, Barquín rekindled his passion for education by establishing a consortium of schools in Puerto Rico. The consortium consists of several educational institutions, including a K–12 military school, summer camps and an institute for civic education now known as Instituto de Formacion Democratica. He was recognized for his hard work and entrepreneurism by the Puerto Rican government as the 1995 Educator of the Year.

Graduates of the K–12 academy he founded had kind words of appreciation for the Colonel's work and character. According to one student, ''with the Colonel, I learned to love my country and he taught me the values that lead my life today.''

As a Cuban-American, a Floridian, and a U.S. Senator, it gives me great pleasure to pay tribute to an individual with a legacy as awe-inspiring as that of Colonel Ramón M. Barquín. His unwavering commitment to freedom and democracy, his generosity, and his zeal for serving others is sorely missed.●

SOUTH DAKOTA HONOR FLIGHT

● Mr. THUNE. Mr. President, today I recognize a group of 122 South Dakota World War II veterans who traveled to Washington, DC, on May 1 and 2 to visit the World War II Memorial. This trip was made possible by the Honor Flight Network, a nonprofit organization dedicated to bringing World War II veterans to Washington, DC, to visit the World War II Memorial at no cost to the veterans.

South Dakota's veterans have played an important role in making our Nation great. Through their sacrifices, America has triumphed, remained a free and vibrant nation, and helped others obtain their own freedom. I was honored to welcome these American heroes to our Nation's Capital to see the symbols of the freedoms they have protected around the world. I am humbled by their sacrifice and appreciated the opportunity to meet with them and

thank them for their service. We cannot thank our veterans enough for putting their lives on the line when America's security demanded it.

The Honor Flight veterans, in alphabetical order, are as follows: Robert Anderson, Ray Anderson, Arlie Asmussen, Robert Bailey, Albert Barber, Raymond Baumgart, Rudolph Becker, Robert Benz, Edmund Bouvette, Tom Brady, Mark Breuer, Thomas Briggs, Don Brommer, Robert Camp, Robert Carlson, Ralph Christensen, Maynard Christiansen, Elmer Cohlman, Hobart Cole, Leonard Conrad, Cloyd Conroy, Burdell Coplan, Stanley Dahl, Earl Dains, Harland Danielsen, Howard Daugaard, Lyle Davis, Charles Dawes, William Degler, Mildred Diekman, Dale Dieltz, Delmer Dooley, Merle Driggs, Clair Ellingson, Harry Erickson, Edward Erlandson, Gerald Erlandson, John Erlandson, Orwin Fodness, Howard Franey, Kenneth Freeman, Harvey Glover, Fred Gorter, Peter Gortmaker, Kenneth Gregersen, Emmett Guthmiller, Donald Haan, Keith Hagerman, Glen Hansen, Paul Harris, James Harris, Kenneth Harthoorn, Harold Hatting, Raymond Heger, Richard Hempel, Dale Hendricks, Fay Hendricks, Noel Henrichs, Orville Hill, Verlyn Hill, Eugene Hoekman, Walter Holtkamp, Claude Hone, George Huizenga, Harry Irwin, Albert Jager, Louis Jarding, Roland Jensen, Arden Jensen, Ervin Jensen, Ralph Johnshoy, Billy Jones, Erland Juntunen, John Kagel, William Kerr, Alfred Knaack, Ralph Kock, Hampton Lane, Fred Lassle, Cleone Lauer, Eugene Lauer, Howard Lee, John Lewis, Howard Livingston, Richard Luther, Duane Lyman, Morris Magnuson, William Merrill, Norbert Miles, Quentin Miles, Duane Miller, John Miller, Kareen Millis, David Moore, James Moore, James Morton, Harold Muetzel, Howard Opheim, Arnold Pederson, Delbert Petersen, Wayne Pool, Wade Pringle, Roy Radloff, Vernon Ramesbotham, Carl Renz, Kenneth Salisbury, Gerald Sanborn, Ray Schmitz, Ronald Scott, Lloyd Seger, Thomas Simpson, Lowell Stagebert, Herman Ulrich, Robert Van Ningen, Frances Vanderbush, Ivan Vitek, Steven Wachtel, George Wagner, Eugene Weidenbach, John Wilds, Robert Williams, and Ernest Zimbelman.

It gives me great pleasure to honor those who have defended our freedom and to recognize the service and sacrifice of these courageous South Dakotans who served during World War II. I am proud that they were able to see the memorial that was built in their honor.●

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.)

MESSAGE FROM THE HOUSE

At 11:33 a.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1728. An act to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1728. An act to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 515, a bill to amend title 35, United States Code, to provide for patent reform (Rept. No. 111–18).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Neal S. Wolin, of Illinois, to be Deputy Secretary of the Treasury.

By Mr. AKAKA for the Committee on Veterans' Affairs.

*John U. Sepulveda, of Virginia, to be an Assistant Secretary of Veterans Affairs (Human Resources).

*Jose D. Riojas, of Texas, to be an Assistant Secretary of Veterans Affairs (Operations, Security, and Preparedness).

*William A. Gunn, of Virginia, to be General Counsel, Department of Veterans Affairs.

*Roger W. Baker, of Virginia, to be an Assistant Secretary of Veterans Affairs (Information and Technology).

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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 Mr. WHITEHOUSE (for himself, Mr. CRAPO, and Mr. GRAHAM):

S. 1020. A bill to optimize the delivery of critical care medicine and expand the critical care workforce; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN:

S. 1021. A bill to amend the Internal Revenue Code of 1986 to provide an enhanced credit for research and development by companies that manufacture products in the United States; to the Committee on Finance.

By Mr. BAYH (for himself, Ms. MURKOWSKI, Mr. DURBIN, Mrs. GILLIBRAND, Mr. WHITEHOUSE, Mr. BEGICH, Mr. INOUYE, Mr. NELSON of Nebraska, Mr. WARNER, Mr. LIEBERMAN, Mr. LEVIN, Mr. BURRIS, and Mr. LEAHY):

S. 1022. A bill to amend the Public Health Service Act to establish a graduate degree loan repayment program for nurses who become nursing school faculty members; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself, Mr. ENSIGN, Mr. INOUYE, Mr. MARTINEZ, Ms. KLOBUCHAR, Mr. BEGICH, Ms. MIKULSKI, Mr. BENNET, Mr. UDALL of New Mexico, Mr. VITTER, Mr. UDALL of Colorado, and Mr. REID):

S. 1023. A bill to establish a non-profit corporation to communicate United States entry policies and otherwise promote leisure, business, and scholarly travel to the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. STABENOW, and Mr. SCHUMER):

S. 1024. A bill to authorize appropriations for the design, acquisition, and construction of a combined buoy tender-icebreaker to replace icebreaking capacity on the Great Lakes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARPER (for himself and Ms. COLLINS):

S. 1025. A bill to prohibit termination of employment of volunteer firefighters and emergency medical personnel responding to emergencies or major disasters, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself, Mr. INHOFE, Mr. WYDEN, Mrs. HUTCHISON, and Mr. BEGICH):

S. 1026. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ENZI (for himself, Mr. BARRASSO, Mrs. MURRAY, Mr. BAUCUS, Mr. COBURN, Mr. BINGAMAN, Mr. HATCH, Mr. JOHNSON, and Mr. REID):

S. Res. 142. A resolution designating July 25, 2009, as ''National Day of the American Cowboy''; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. FEINGOLD, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. CONRAD, Mr. BURR, Mr. DORGAN, Mr. CHAMBLISS, Ms. MURKOWSKI, and Ms. COLLINS):

S. Res. 143. A resolution designating May 15, 2009, as ''National MPS Awareness Day''; considered and agreed to.

By Mr. FEINGOLD (for himself, Ms. SNOWE, Mrs. GILLIBRAND, Mr. KERRY, Mr. DODD, Mr. SANDERS, Ms. STABENOW, and Mr. BEGICH):

S. Res. 144. A resolution supporting the goals and ideals of National Women's Health Week; considered and agreed to.

By Mrs. BOXER (for herself and Mr. INHOFE):

S. Res. 145. A resolution designating the week of May 17 through May 23, 2009, as ''National Public Works Week''; considered and agreed to.

By Mr. BYRD:

S. Res. 146. A resolution commending South Charleston, West Virginia, for celebrating its 50th annual Armed Forces Day on May 16, 2009; to the Committee on Armed Services.

By Ms. KLOBUCHAR (for herself and Mr. MARTINEZ):

S. Res. 147. A resolution to designate the week beginning on the second Saturday in May as National Travel and Tourism Week; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 141

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 141, a bill to amend title 18, United States Code, to limit the misuse of Social Security numbers, to establish criminal penalties for such misuse, and for other purposes.

S. 144

At the request of Mr. KERRY, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Idaho (Mr. CRAPO), the Senator from Utah (Mr. HATCH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 369

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 369, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 451

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 491

At the request of Mr. THUNE, his name was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

At the request of Mr. WEBB, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 491, supra.

S. 535

At the request of Mr. THUNE, his name was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 581

At the request of Mr. BENNET, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 581, a bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to require the exclusion of combat pay from income for purposes of determining eligibility for child nutrition programs and the special supplemental nutrition program for women, infants, and children.

S. 597

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 597, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 632

At the request of Mr. BAUCUS, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 696

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 696, a bill to amend the Federal Water Pollution Control Act to include a definition of fill material.

S. 718

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

S. 731

At the request of Mr. NELSON of Nebraska, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 731, a bill to amend title 10, United States Code, to provide for continuity of TRICARE Standard coverage for certain members of the Retired Reserve.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 819

At the request of Mr. DURBIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 846

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor 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. 850

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 883

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. BAYH, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor 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. 922

At the request of Ms. MURKOWSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 922, a bill to amend the Internal Revenue Code of 1986 to modify the term ''5-year property''.

S. 923

At the request of Ms. MURKOWSKI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 923, a bill to promote the development and use of marine renewable energy technologies, and for other purposes.

S. 936

At the request of Mr. LAUTENBERG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 936, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 951

At the request of Mr. NELSON of Florida, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Oregon (Mr. WYDEN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 951, a bill to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. ''Buzz'' Aldrin Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn Jr.

S. 970

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) 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 competitive Federal matching grant program.

S. 982

At the request of Mr. JOHNSON, his name was added as a cosponsor 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. 985

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 985, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 987

At the request of Mr. DURBIN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1013

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1013, a bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes.

S.J. RES. 10

At the request of Mr. THUNE, his name was added as a cosponsor of S.J. Res. 10, a joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product.

S.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS ON MAY 7, 2009

By Mr. BINGAMAN (for himself, Mr. BARRASSO, Mr. DORGAN, Mr. TESTER, Mr. BAYH, Ms. LANDRIEU, and Mr. CASEY):

S. 1013. A bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to have been able to introduce the Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2009, S. 1013, along with Sens. BARASSO, DORGAN, TESTER, UDALL, BAYH, LANDRIEU, CASEY, and VOINOVICH. It is critical that we work towards reducing our greenhouse gas footprint while producing safe and secure, clean energy here in America. I believe this bill will go far to incentivize early project developers to start reducing their carbon dioxide emissions through carbon capture and geologic sequestration.

This bipartisan bill establishes a national indemnity program through the Department of Energy for up to 10 commercial-scale carbon capture and sequestration projects. There is a clear need for liability treatments and adequate project financing for early mover projects. An indemnity program is a strong step to building confidence for project developers and demonstrates that the projects will be conducted safely while addressing the growing concerns of reducing greenhouse gas emissions from industrial facilities, such as coal and natural gas fired utilities, cement plants, refineries and other carbon intensive industrial processes.

In addition, the legislation maps out a clear framework for closing down a geological storage site. It is essential to consider the issue of safe, long-term storage of carbon dioxide and take the steps needed for site stewardship during the injection phase, directly following closure and for long-term preventative maintenance of the geologic storage site. Many stakeholders associate maintenance issues with liability concerns, however they should be viewed as two separate entities. Maintenance is essential for reducing risk and limiting liabilities at a storage site, and it is critical to have robust monitoring and verification of an injected carbon dioxide plume at each of the storage sites that would continue well past site closure. With a proper site maintenance program developed for each project, risk will be minimized and developers will have greater confidence that liabilities will not be incurred. This legislation will require science-based monitoring and verification of the injected carbon dioxide plume throughout the life of the project to well beyond the closure phase.

Also, as carbon capture and sequestration projects grow in both scale and number, there will be an increasing need to train qualified regulators to oversee the permitting, operation, and closure of geologic storage sites. This bill creates a grant program whose goal

is to train State agencies and personnel who oversee the regulatory aspects of geologic storage of carbon dioxide.

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. 1013

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 ''Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2009''.

SEC. 2. LARGE-SCALE CARBON STORAGE PROGRAM.

(a) IN GENERAL.—Subtitle F of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is amended by inserting after section 963 (42 U.S.C. 16293) the following:

''SEC. 963A. LARGE-SCALE CARBON STORAGE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) INDUSTRIAL SOURCE.—The term 'industrial source' means any source of carbon dioxide that is not naturally occurring.

''(2) LARGE-SCALE.—The term 'large-scale' means the injection of over 1,000,000 tons of carbon dioxide each year from industrial sources into a geological formation.

''(3) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

''(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

''(b) PROGRAM.—In addition to the research, development, and demonstration program authorized by section 963, the Secretary shall carry out a program to demonstrate the commercial application of integrated systems for the capture, injection, monitoring, and long-term geological storage of carbon dioxide from industrial sources.

''(c) AUTHORIZED ASSISTANCE.—In carrying out the program, the Secretary may enter into cooperative agreements to provide financial and technical assistance to up to 10 demonstration projects.

''(d) PROJECT SELECTION.—The Secretary shall competitively select recipients of cooperative agreements under this section from among applicants that—

''(1) provide the Secretary with sufficient geological site information (including hydrogeological and geophysical information) to establish that the proposed geological storage unit is capable of long-term storage of the injected carbon dioxide, including—

''(A) the location, extent, and storage capacity of the geological storage unit at the site into which the carbon dioxide will be injected;

''(B) the principal potential modes of geomechanical failure in the geological storage unit;

''(C) the ability of the geological storage unit to retain injected carbon dioxide; and

''(D) the measurement, monitoring, and verification requirements necessary to ensure adequate information on the operation of the geological storage unit during and after the injection of carbon dioxide;

''(2) possess the land or interests in land necessary for—

''(A) the injection and storage of the carbon dioxide at the proposed geological storage unit; and

''(B) the closure, monitoring, and long-term stewardship of the geological storage unit;

''(3) possess or have a reasonable expectation of obtaining all necessary permits and authorizations under applicable Federal and State laws (including regulations); and

''(4) agree to comply with each requirement of subsection (e).

''(e) TERMS AND CONDITIONS.—The Secretary shall condition receipt of financial assistance pursuant to a cooperative agreement under this section on the recipient agreeing to—

''(1) comply with all applicable Federal and State laws (including regulations), including a certification by the appropriate regulatory authority that the project will comply with Federal and State requirements to protect drinking water supplies;

''(2) in the case of industrial sources subject to the Clean Air Act (42 U.S.C. 7401 et seq.), inject only carbon dioxide captured from industrial sources in compliance with that Act;

''(3) comply with all applicable construction and operating requirements for deep injection wells;

''(4) measure, monitor, and test to verify that carbon dioxide injected into the injection zone is not—

''(A) escaping from or migrating beyond the confinement zone; or

''(B) endangering an underground source of drinking water;

''(5) comply with applicable well-plugging, post-injection site care, and site closure requirements, including—

''(A)(i) maintaining financial assurances during the post-injection closure and monitoring phase until a certificate of closure is issued by the Secretary; and

''(ii) promptly undertaking remediation activities for any leak from the geological storage unit that would endanger public health or safety or natural resources; and

''(B) complying with subsection (f);

''(6) comply with applicable long-term care requirements;

''(7) maintain financial protection in a form and in an amount acceptable to—

''(A) the Secretary;

''(B) the Secretary with jurisdiction over the land; and

''(C) the Administrator of the Environmental Protection Agency; and

''(8) provide the assurances described in section 963(d)(4)(B).

''(f) POST INJECTION CLOSURE AND MONITORING ELEMENTS.—In assessing whether a project complies with site closure requirements under subsection (e)(5), the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall determine whether the recipient of financial assistance has demonstrated continuous compliance with each of the following over a period of not less than 10 consecutive years after the plume of carbon dioxide has come into equilibrium with the geologic formation that comprises the geologic storage unit following the cessation of injection activities:

''(1) The estimated location and extent of the project footprint (including the detectable plume of carbon dioxide and the area of elevated pressure resulting from the project) has not substantially changed.

''(2) There is no leakage of either carbon dioxide or displaced fluid in the geologic storage unit that is endangering public health and safety, including underground sources of drinking water and natural resources.

''(3) The injected or displaced fluids are not expected to migrate in the future in a manner that encounters a potential leakage pathway.

''(4) The injection wells at the site completed into or through the injection zone or confining zone are plugged and abandoned in accordance with the applicable requirements of Federal or State law governing the wells.

''(g) INDEMNIFICATION AGREEMENTS.—

''(1) DEFINITION OF LIABILITY.—In this subsection, the term 'liability' means any legal liability for—

''(A) bodily injury, sickness, disease, or death;

''(B) loss of or damage to property, or loss of use of property; or

''(C) injury to or destruction or loss of natural resources, including fish, wildlife, and drinking water supplies.

''(2) AGREEMENTS.—The Secretary may agree to indemnify and hold harmless the recipient of a cooperative agreement under this section from liability arising out of or resulting from a demonstration project in excess of the amount of liability covered by financial protection maintained by the recipient under subsection (e)(7).

''(3) EXCEPTION FOR GROSS NEGLIGENCE AND INTENTIONAL MISCONDUCT.—Notwithstanding paragraph (1), the Secretary may not indemnify the recipient of a cooperative agreement under this section from liability arising out of conduct of a recipient that is grossly negligent or that constitutes intentional misconduct.

''(4) COLLECTION OF FEES.—

''(A) IN GENERAL.—The Secretary shall collect a fee from any person with whom an agreement for indemnification is executed under this subsection in an amount that is equal to the net present value of payments made by the United States to cover liability under the indemnification agreement.

''(B) AMOUNT.—The Secretary shall establish, by regulation, criteria for determining the amount of the fee, taking into account—

''(i) the likelihood of an incident resulting in liability to the United States under the indemnification agreement; and

''(ii) other factors pertaining to the hazard of the indemnified project.

''(C) USE OF FEES.—Fees collected under this paragraph shall be deposited in the Treasury and credited to miscellaneous receipts.

''(5) CONTRACTS IN ADVANCE OF APPROPRIATIONS.—The Secretary may enter into agreements of indemnification under this subsection in advance of appropriations and incur obligations without regard to section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), or section 11 of title 41, United States Code (commonly known as the 'Adequacy of Appropriations Act').

''(6) CONDITIONS OF AGREEMENTS OF INDEMNIFICATION.—

''(A) IN GENERAL.—An agreement of indemnification under this subsection may contain such terms as the Secretary considers appropriate to carry out the purposes of this section.

''(B) ADMINISTRATION.—The agreement shall provide that, if the Secretary makes a determination the United States will probably be required to make indemnity payments under the agreement, the Attorney General—

''(i) shall collaborate with the recipient of an award under this subsection; and

''(ii) may—

''(I) approve the payment of any claim under the agreement of indemnification;

''(II) appear on behalf of the recipient;

''(III) take charge of an action; and

''(IV) settle or defend an action.

''(C) SETTLEMENT OF CLAIMS.—

''(i) IN GENERAL.—The Attorney General shall have final authority on behalf of the

United States to settle or approve the settlement of any claim under this subsection on a fair and reasonable basis with due regard for the purposes of this subsection.

''(ii) EXPENSES.—The settlement shall not include expenses in connection with the claim incurred by the recipient.

''(h) FEDERAL LAND.—

''(1) IN GENERAL.—The Secretary concerned may authorize the siting of a project on Federal land under the jurisdiction of the Secretary concerned in a manner consistent with applicable laws and land management plans and subject to such terms and conditions as the Secretary concerned determines to be necessary.

''(2) FRAMEWORK FOR GEOLOGICAL CARBON SEQUESTRATION ON PUBLIC LAND.—In determining whether to authorize a project on Federal land, the Secretary concerned shall take into account the framework for geological carbon sequestration on public land prepared in accordance with section 714 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1715).

''(i) ACCEPTANCE OF TITLE AND LONG-TERM MONITORING.—

''(1) IN GENERAL.—As a condition of a cooperative agreement under this section, the Secretary may accept title to, or transfer of administrative jurisdiction from another Federal agency over, any land or interest in land necessary for the monitoring, remediation, or long-term stewardship of a project site.

''(2) LONG-TERM MONITORING ACTIVITIES.—After accepting title to, or transfer of, a site closed in accordance with this section, the Secretary shall monitor the site and conduct any remediation activities to ensure the geological integrity of the site and prevent any endangerment of public health or safety.

''(3) FUNDING.—There is appropriated to the Secretary, out of funds of the Treasury not otherwise appropriated, such sums as are necessary to carry out paragraph (2).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(A) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(B) by inserting before subsection (b) (as so redesignated) the following:

''(a) DEFINITIONS.—In this section:

''(1) INDUSTRIAL SOURCE.—The term 'industrial source' means any source of carbon dioxide that is not naturally occurring.

''(2) LARGE-SCALE.—The term 'large-scale' means the injection of over 1,000,000 tons of carbon dioxide from industrial sources over the lifetime of the project.'';

(C) in subsection (b) (as so redesignated), by striking ''IN GENERAL'' and inserting ''PROGRAM'';

(D) in subsection (c) (as so redesignated), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(E) in subsection (d)(3) (as so redesignated), by striking subparagraph (D).

(2) Sections 703(a)(3) and 704 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251(a)(3), 17252) are amended by striking ''section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3))'' each place it appears and inserting ''section 963(d)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(d)(3))''.

SEC. 3. TRAINING PROGRAM FOR STATE AGENCIES.

(a) ESTABLISHMENT.—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall establish a program to provide grants for employee training purposes to State agencies involved in permitting, management, inspection, and oversight of carbon capture, transportation, and storage projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section $10,000,000 for each of fiscal years 2010 through 2020.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARPER (for himself and Ms. COLLINS):

S. 1025. A bill to prohibit termination of employment of volunteer firefighters and emergency medical personnel responding to emergencies or major disasters, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join Senator CARPER in introducing a bill that would provide reasonable job protections for our Nation's volunteer firefighters and emergency medical personnel who save thousands of lives across this country every year.

This bill is a matter of simple fairness. It recognizes that volunteer firefighters and emergency medical personnel not only serve their own towns and offer mutual assistance to other communities on a day-to-day basis, but also that they are a key component in State and Federal plans for responding to catastrophic natural disasters and terrorist attacks.

Across the Nation, our emergency planning relies on the ready availability of these brave first responders. Indeed, volunteers are absolutely critical to mounting a response to disasters, both large and small. My home State of Maine, for example, has slightly more than 10,000 firefighters in 492 departments. Because Maine is a mostly rural State, fully 88 percent of those firefighters are volunteers.

Yet, even if they are called up in a major disaster or a Presidentially declared emergency under the Stafford Act, these volunteers have no official protection for their jobs while they are answering the call to duty.

We should protect volunteer firefighters and EMS personnel who put their lives on the line.

The current lack of job protection is troubling. If large numbers of volunteer firefighters and EMS personnel were terminated or demoted after being called away to a disaster or a series of disasters, recruitment and retention of volunteers could be devastated.

The Volunteer Firefighter and EMS Personnel Job Protection Act would correct the injustice and mitigate the danger in a measured and responsible way. It would protect the volunteer first responders against termination or demotion by employers if they are called upon to respond to a Presidentially declared emergency or a major disaster for up to 14 work days.

Most employers are strong supporters of our volunteer firefighters and EMS personnel, and this bill imposes no unreasonable burdens on employers. They are not obligated to pay the volunteers during their absence, and they are entitled to receive official documentation that an absent employee was in fact summoned to and served in a disaster response.

Finally, I would note that the bill would facilitate the work of emergency managers. Having this job protection in force would allow them to make operational and contingency plans with greater confidence, knowing that volunteer responders would not be forced to withdraw in short order for fear of losing their jobs.

By extending some peace of mind to these brave men and women, we can strengthen the protection and lifesaving response that they provide to many millions of Americans. I believe this bill merits the support of every Senator, and I am proud to be an original cosponsor.

By Mr. CORNYN (for himself, Mr. INHOFE, Mr. WYDEN, Mrs. HUTCHISON, and Mr. BEGICH):

S. 1026. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes; to the Committee on Rules and Administration.

Mr. CORNYN. Mr. President, today I am reintroducing the Military Voting Protection Act—a bipartisan bill to support our troops and protect their right to vote. In every Federal election in recent memory, American Soldiers, Sailors, Airmen, and Marines have encountered substantial roadblocks in the voting process, especially those who are deployed to Iraq and Afghanistan. This is a national disgrace.

Our military service members put their lives on the line to protect the rights and freedoms of all Americans. In return, it is our responsibility to do everything we can to support them. The nature of the Global War on Terror and the high tempo of U.S. military operations—including our surge into Afghanistan—will necessitate overseas service by our troops for the foreseeable future. It is imperative that we put in place a system to ensure that American service members serving abroad can participate in the democratic process even as they simultaneously fight to defend our democracy, its institutions, and the American way of life. Surely, these brave men and women have earned at least that much through their blood, sweat, and tears.

Yet the country they defend has repeatedly denied our troops one of our most sacred rights—the right to vote. The U.S. Election Assistance Commission, in studying the 2006 election, found that only 47.6 percent of the military voters who requested absentee ballots were actually successful in casting those ballots. That means that less than half of those troops who wanted to vote were able to do so,

which is appalling. Overall participation rates among military and overseas voters in the November 2006 election were also extremely low. Looking at the big picture, there were roughly 6 million eligible military and overseas U.S. voters at that time, but only 16.5 percent of them were able to request an absentee ballot for the election. According to a 2006 DoD Inspector General report, only 59 percent of surveyed service members even knew where to obtain voting information on their installation, and only 40 percent had actually received assistance from their designated Voting Assistance Officer. Though the official data from the 2008 election is not yet available, the preliminary evidence indicates that our military voters faced the same array of problems in trying to cast their ballots as in previous elections.

Our troops report many procedural hurdles when trying to participate in federal, state, and local elections. States have inadequate processes and unreasonable timelines in place for transmitting blank absentee ballots to our troops, and the methods available to these service members for returning completed ballots to local election officials are both slow and antiquated. Moreover, there are a myriad of absentee voting rules and regulations that are extremely confusing and vary widely with each state. The process is clearly broken, and there is no excuse for not stepping up to challenge the status quo and streamline the process. We ask so much of our troops, and in return we have given them a voting system that is perplexing, frustrating, slow, and often dysfunctional. They deserve better.

The bill I introduce today can help address some of these procedural hurdles. The Military Voting Protection, MVP, Act will give our troops a louder and clearer voice at the polls by ensuring their absentee ballots are delivered back home in time to be counted and do not get lost on the way. It will reduce delays in the absentee voting process by requiring the Department of Defense to take a more active role in the process. The MVP Act will require the DoD to be responsible for collecting completed absentee ballots from overseas troops and then express-shipping them back to the U.S. in time to be counted, allowing troops to track their ballots while they are in transit and confirm their delivery after they arrive at local election offices.

I am pleased that Senators WYDEN and INHOFE have joined me in this effort; it is a testament to their unwavering support for the members of our Armed Forces.

We should pass this bipartisan bill quickly so that elections officials have time to prepare for the 2010 election cycle. Meaningful reform will not come overnight, but now is the time to take up the cause of military voters. There are 18 months until the next election, which is enough time to implement significant improvements. If we fail, further disenfranchisement of military voters will likely result. We must avoid a repeat of 2004, 2006, and 2008.

This bill does not solve all the problems with our current military voting system, but it is an important first step. The Americans who answer the call to serve are a national treasure, and I remain in awe of their selfless sacrifice and commitment to the defense of freedom. In what is now the 8th year of the Global War on Terror, they continue to voluntarily step forward to defend our Nation and our freedom—often requiring immeasurable personal sacrifice by them and their loved ones. The members of this next ''greatest generation'' deserve nothing less than the same constitutional rights and individual liberties that they safeguard for their fellow citizens back home. It is the responsibility of Congress to ensure that they get them.

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. 1026

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 ''Military Voting Protection Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In the defense of freedom, members of the United States Armed Forces are routinely deployed to overseas theaters of combat, assigned to overseas locations, and assigned to ocean-going vessels far from home.

(2) As the United States continues to fight the Global War on Terror, the substantial need for overseas service by members of the Armed Forces will continue, as we live in what senior Army leaders have referred to as an ''era of persistent conflict''.

(3) The right to vote is one of the most basic and fundamental rights enjoyed by Americans, and one which the members of the Armed Forces bravely defend both at home in the United States and overseas.

(4) The decisions of elected officials of the United States Government directly impact the members of the Armed Forces who are often called to deploy or otherwise serve overseas as a result of decisions made by such elected officials.

(5) The ability of the members of the Armed Forces to vote while serving overseas has been hampered by numerous factors, including inadequate processes for ensuring their timely receipt of absentee ballots, delivery methods that are typically slow and antiquated, and a myriad of absentee voting procedures that are often confusing and vary among the several States.

(6) The Uniformed and Overseas Citizens Absentee Voting Act, which requires the States to allow absentee voting for members of the Armed Forces and other specified groups of United States citizens, was intended to protect the voting rights of members of the Armed Forces.

(7) The current system of absentee voting for overseas members of the Armed Forces could be greatly improved by decreasing delays in the process, and certain steps by the Department of Defense, including utilization of express mail services for the delivery of completed absentee ballots, would address the major sources of delay.

SEC. 3. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended by inserting after section 103 the following new section:

''SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

''(a) COLLECTION.—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering the ballots to the appropriate election officials.

''(b) ENSURING DELIVERY PRIOR TO CLOSING OF POLLS.—

''(1) IN GENERAL.—Under the procedures established under this section, the Presidential designee shall ensure that any marked absentee ballot for a regularly scheduled general election for Federal office which is collected prior to the deadline described in paragraph (3) is delivered to the appropriate election official in a State prior to the time established by the State for the closing of the polls on the date of the election.

''(2) UTILIZATION OF EXPRESS MAIL DELIVERY SERVICES.—The Presidential designee shall carry out this section by utilizing the express mail delivery services of the United States Postal Service.

''(3) DEADLINE DESCRIBED.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the fourth day preceding the date of the election.

''(B) AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to ensure timely delivery of the ballot under paragraph (1).

''(c) TRACKING MECHANISM.—Under the procedures established under this section, the Presidential designee, working in conjunction with the United States Postal Service, shall implement procedures to enable any individual whose marked absentee ballot for a regularly scheduled general election for Federal office is collected by the Presidential designee to determine whether the ballot has been delivered to the appropriate election official, using the Internet, an automated telephone system, or such other methods as the Presidential designee may provide.

''(d) OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots in the election.

''(e) REPORTS ON UTILIZATION OF PROCEDURES.—

''(1) REPORTS REQUIRED.—Not later than 180 days after each regularly scheduled general

election for Federal office to which this section applies, the Presidential designee shall submit to the relevant committees of Congress a report on the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section during such general election.

''(2) ELEMENTS.—Each report under paragraph (1) shall include, for the general election covered by such report, a description of the utilization of the procedures described in that paragraph during such general election, including the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons therefor).

''(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term 'relevant committees of Congress' means—

''(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

''(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

''(f) ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.—In this section, the term 'absent overseas uniformed services voter' means an overseas voter described in section 107(5)(A).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.

''(h) EFFECTIVE DATE.—This section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.''.

(b) CONFORMING AMENDMENTS.—

(1) FEDERAL RESPONSIBILITIES.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking ''and'' at the end of paragraph (6);

(B) by striking the period at the end of paragraph (7) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.''.

(2) STATE RESPONSIBILITIES.—Section 102(a) of such Act (42 U.S.C. 1973ff–1(a)) is amended—

(A) by striking ''and'' at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(C) by adding at the end the following new paragraph:

''(6) carry out section 103A(b)(2) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.''.

(c) REPORT ON STATUS OF IMPLEMENTATION.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Presidential designee under section 101(a) of the Uniformed and Overseas Citizens Absentee Voting Act shall submit to the relevant committees of Congress a report on the status of the implementation of the program for the collection and delivery of marked absentee ballots established pursuant to section 103A of such Act, as added by subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include a status of the implementation of the program and a detailed description of the specific steps taken towards its implementation for November 2010.

(3) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''relevant committees of Congress'' has the meaning given such term in section 103A(e)(3) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

SEC. 4. PROTECTING VOTER PRIVACY AND SECRECY OF ABSENTEE BALLOTS.

Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by section 3(b), is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(9) to the greatest extent practicable, take such actions as may be required to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the Presidential designee's jurisdiction are able to do so in a private and independent manner, and take such actions as may be required to protect the privacy of the contents of absentee ballots cast by absent uniformed services voters and overseas voters while such ballots are in the Presidential designee's possession or control.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 142—DESIGNATING JULY 25, 2009, AS ''NATIONAL DAY OF THE AMERICAN COWBOY''

Mr. ENZI (for himself, Mr. BARRASSO, Mrs. MURRAY, Mr. BAUCUS, Mr. COBURN, Mr. BINGAMAN, Mr. HATCH, Mr. JOHNSON, and Mr. REID) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 142

Whereas pioneering men and women, recognized as ''cowboys'', helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the Nation who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, and rodeo is one of the most-watched sports in the Nation;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 25, 2009, as ''National Day of the American Cowboy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. ENZI. Mr. President, I am proud to introduce a resolution today to designate Saturday, July 25, 2009 as ''National Day of the American Cowboy.'' My late colleague, Senator Craig Thomas, began the tradition of honoring the men and women known as ''Cowboys'' five years ago when he introduced the first resolution to designate the fourth Saturday of July as National Day of the American Cowboy. I'm proud to carry on Senator Thomas's tradition.

The national day celebrates the history of Cowboys in America and recognizes the important work today's Cowboys are doing in the United States. The Cowboy Spirit is about honesty, integrity, courage, and patriotism, and Cowboys are models of strong character, sound family values, and good common sense.

Cowboys were some of the first men and women to settle in the American West and they continue to make important contributions to our economy, Western culture and my home state of Wyoming today. This year's resolution designates July 25, 2009 as the National Day of the American Cowboy. I hope my colleagues will join me in recognizing the important role Cowboys play in our country.

SENATE RESOLUTION 143—DESIGNATING MAY 15, 2009, AS ''NATIONAL MPS AWARENESS DAY''

Mr. GRAHAM (for himself, Mr. FEINGOLD, Mrs. MURRAY, Mrs. FEINSTEIN, Mr. CONRAD, Mr. BURR, Mr. DORGAN, Mr. CHAMBLISS, Ms. MURKOWSKI, and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

S. RES. 143

Whereas mucopolysaccharidosis (referred to in this resolution as ''MPS'') is a genetically determined lysosomal storage disease that renders the human body incapable of producing certain enzymes needed to break down complex carbohydrates;

Whereas complex carbohydrates are then stored in almost every cell in the body and progressively cause damage to such cells;

Whereas such cell damage adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system;

Whereas the cellular damage caused by MPS often results in mental retardation, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas the nature of the disease is usually not apparent at birth;

Whereas, without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas recent research developments have resulted in the creation of limited treatments for some MPS diseases;

Whereas promising advancements in the pursuit of treatments for additional MPS diseases are underway;

Whereas, despite the creation of newly developed remedies, the blood-brain barrier continues to be a significant impediment to effectively treating the brain, thereby preventing the treatment of many of the symptoms of MPS;

Whereas treatments for MPS will be greatly enhanced with continued public funding;

Whereas the quality of life for individuals afflicted with MPS, and the treatments available to them, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS diseases;

Whereas the lack of awareness about MPS diseases extends to those within the medical community;

Whereas the damage that is caused by MPS makes it a model for the study of many other degenerative genetic diseases;

Whereas the development of effective therapies and a potential cure for MPS diseases can be accomplished by increased awareness, research, data collection, and information distribution;

Whereas the Senate is an institution than can raise public awareness about MPS; and

Whereas the Senate is also an institution that can assist in encouraging and facilitating increased public and private sector research for early diagnosis and treatments of MPS diseases: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2009, as ''National MPS Awareness Day''; and

(2) supports the goals and ideals of ''National MPS Awareness Day''.

SENATE RESOLUTION 144—SUPPORTING THE GOALS AND IDEALS OF NATIONAL WOMEN'S HEALTH WEEK

Mr. FEINGOLD (for himself, Ms. SNOWE, Mrs. GILLIBRAND, Mr. KERRY, Mr. DODD, Mr. SANDERS, Ms. STABENOW, and Mr. BEGICH) submitted the following resolution; which was considered and agreed to:

S. RES. 144

Whereas women of all backgrounds should be encouraged to greatly reduce the risk of common diseases through preventive measures such as a healthy lifestyle that includes engaging in regular physical activity, eating a nutritious diet, and visiting a healthcare provider to receive regular check-ups and preventative screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African-American women, Asian-Pacific Islander women, Latinas, American-Indian women, and Alaska Native women;

Whereas healthy habits should begin at a young age;

Whereas it is important to educate women and girls about the significance of awareness of key female health issues;

Whereas the Offices on Women's Health within the Department of Health and Human Services, the Food and Drug Administration, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institutes of Health, and the Agency for Healthcare Research and Quality are vital to providing critical services in supporting women's health research, education, and other necessary services that benefit women of any age, race, or ethnicity;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues;

Whereas May 11, 2009, is National Women's Check-Up Day; and

Whereas in 2009, the week of May 10 through May 16 is dedicated as National Women's Health Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week, which begins on May 10, 2009, as an opportunity to learn about health issues that face women;

(4) calls on the women of the United States to observe National Women's Check-Up Day by receiving preventive screenings from their health care providers; and

(5) recognizes the importance of federally-funded programs that provide research and collect data on common diseases in women.

SENATE RESOLUTION 145—DESIGNATING THE WEEK OF MAY 17 THROUGH MAY 23, 2009, AS ''NATIONAL PUBLIC WORKS WEEK''

Mrs. BOXER (for herself and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 145

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas those facilities and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas those individuals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens and communities of the United States; and

Whereas it is in the interest of the public for citizens and civic leaders to understand the role that public infrastructure plays in protecting the environment, improving public health and safety, contributing to economic vitality, and enhancing the quality of life of every community of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 17 through May 23, 2009, as '''National Public Works Week''';

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that those professionals serve; and

(3) urges citizens and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the United States; and

(B) to recognize the substantial contributions that public works professionals make to the United States.

SENATE RESOLUTION 146—COMMENDING SOUTH CHARLESTON, WEST VIRGINIA, FOR CELEBRATING ITS 50TH ANNUAL ARMED FORCES DAY ON MAY 16, 2009

Mr. BYRD submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 146

Whereas Americans appreciate the courage, loyalty, and sacrifice of every individual who serves in the Armed Forces of the United States;

Whereas Armed Forces Day is celebrated on the third Saturday in May to honor those Americans serving in the Army, Navy, Marine Corps, Air Force, and Coast Guard;

Whereas Armed Forces Day was established on August 31, 1949, following the consolidation of the military services of the United States into the Department of Defense;

Whereas Armed Forces Day is celebrated with parades, open houses, receptions, and air shows around the Nation; and

Whereas on May 16, 2009, South Charleston, West Virginia, will observe its 50th annual Armed Forces Day with a parade, music, and other entertainment: Now, therefore, be it

Resolved, That the Senate commends South Charleston, West Virginia, for conducting Armed Forces Day celebrations for 50 consecutive years and for honoring the selfless dedication and bravery of the men and women of the United States Army, Navy, Marine Corps, Air Force, and Coast Guard.

SENATE RESOLUTION 147—TO DESIGNATE THE WEEK BEGINNING ON THE SECOND SATURDAY IN MAY AS NATIONAL TRAVEL AND TOURISM WEEK

Ms. KLOBUCHAR (for herself and Mr. MARTINEZ) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 147

Whereas business and leisure travel are vital to the United States, enhancing our economic prosperity, healthcare, education, cultural understanding, and public diplomacy;

Whereas the travel industry is the fifth largest employer in the United States, supporting 7.7 million American workers and creating one of every eight non-farm jobs across the country;

Whereas domestic and international travel last year generated an estimated $740 billion in direct expenditures and $115 billion in Federal, State and local tax revenues;

Whereas international travel to the United States is a critical tool for enhancing America's image abroad and has significantly benefited the nation's balance of trade for over 20 years;

Whereas overseas visits to the United States are still 633,000 below pre-September 11 levels;

Whereas the U.S. must keep better pace with the expanding global travel market starting with a nationally-coordinated travel promotion program to attract millions of new international visitors;

Whereas meetings, events, and incentive travel programs are core business functions that help companies to strengthen business relationships, align and educate employees and customers, and reward business performance;

Whereas travel and tourism can serve as a catalyst to help stimulate the national economy;

Whereas the Congress designated the first National Tourism Week in 1984 and encouraged celebrations in all 50 States and the Territories; and

Whereas National Tourism Week has been observed and celebrated each May since: Now, therefore, be it

Resolved, by the Senate That—

(1) the week beginning on the second Saturday in May of each year will be designated as National Travel and Tourism Week;

(2) Governors, mayors, and other elected officials from across the country are invited on such week to issue proclamations to raise awareness of the value of travel to the welfare of the nation; and

(3) the President is requested each year to issue a proclamation encouraging the people of the United States to observe such week with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1061. Mr. COBURN submitted an amendment intended to be proposed 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; which was ordered to lie on the table.

SA 1062. Mr. SANDERS (for himself, Mr. HARKIN, Mr. LEAHY, Mr. WHITEHOUSE, Mr. DURBIN, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1063. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1064. Mr. UDALL, of Colorado submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1065. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1066. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1067. Mr. COBURN proposed an amendment to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1068. Mr. COBURN proposed an amendment to the bill H.R. 627, supra.

SA 1069. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1070. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1071. Mrs. FEINSTEIN (for herself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1072. Mr. JOHANNS submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1073. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1074. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1075. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1076. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1077. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1078. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1079. Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. CARDIN, Mrs. SHAHEEN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1080. Mrs. FEINSTEIN (for herself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1081. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1082. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1083. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1084. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1085. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1086. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1087. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1088. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1089. Mr. DURBIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1090. Mr. DURBIN (for himself, Mr. KENNEDY, Mr. SCHUMER, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1091. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1061. Mr. COBURN submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. ____. PUBLIC ACCESS TO GOVERNMENT PURCHASE CARD INFORMATION.

(a) IN GENERAL.—Each executive agency that issues and uses credit cards or purchase cards shall post on its public website, in a searchable format, an itemized list of all charges made to credit cards or purchase cards not less frequently than every 6 months, except that charges directly related to national security, defense, and homeland security may be redacted.

(b) DEFINITION OF EXECUTIVE AGENCY.—In this section, the term ''executive agency'' has the same meaning as in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

SA 1062. Mr. SANDERS (for himself, Mr. HARKIN, Mr. LEAHY, Mr. WHITEHOUSE, Mr. DURBIN, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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:

At the appropriate place, insert the following:

SEC. ____. NATIONAL CONSUMER CREDIT USURY RATE.

(a) IN GENERAL.—Section 107 of the Truth in Lending Act (15 U.S.C. 1606) is amended by adding at the end the following new subsection:

''(f) NATIONAL CONSUMER CREDIT USURY RATE.—

''(1) LIMITATION ESTABLISHED.—Notwithstanding subsection (a) or any other provision of law, but except as provided in paragraph (2), the annual percentage rate applicable to an extension of credit obtained by use of a credit card may not exceed 15 percent on unpaid balances, inclusive of all finance charges. Any fees that are not considered finance charges under section 106(a) may not be used to evade the limitations of this paragraph, and the total sum of such fees may not exceed the total amount of finance charges assessed.

''(2) EXCEPTIONS.—

''(A) BOARD AUTHORITY.—The Board may establish, after consultation with the appropriate committees of Congress, the Secretary of the Treasury, and any other interested Federal financial institution regulatory agency, an annual percentage rate of interest ceiling exceeding the 15 percent annual rate under paragraph (1) for periods of not to exceed 18 months, upon a determination that—

''(i) money market interest rates have risen over the preceding 6-month period; or

''(ii) prevailing interest rate levels threaten the safety and soundness of individual lenders, as evidenced by adverse trends in liquidity, capital, earnings, and growth.

''(B) TREATMENT OF CREDIT UNIONS.—The limitation in paragraph (1) does not apply with respect to any extension of credit by an insured credit union, as that term is defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

''(3) PENALTIES FOR CHARGING HIGHER RATES.—

''(A) VIOLATION.—The taking, receiving, reserving, or charging of an annual percentage rate or fee greater than that permitted by paragraph (1), when knowingly done, shall be deemed a violation of this title, and a forfeiture of the entire interest which the note, bill, or other evidence of the obligation carries with it, or which has been agreed to be paid thereon.

''(B) REFUND OF INTEREST AMOUNTS.—If an annual percentage rate or fee greater than that permitted under paragraph (1) has been paid, the person by whom it has been paid, or the legal representative thereof, may, by bringing an action not later than 2 years after the date on which the usurious collection was last made, recover back from the lender in an action in the nature of an action of debt, the entire amount of interest, finance charges, or fees paid.

''(4) CIVIL LIABILITY.—Any creditor who violates this subsection shall be subject to the provisions of section 130.''.

(b) CIVIL LIABILITY CONFORMING AMENDMENT.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended by inserting ''section 107(f)'' before ''this chapter''.

SA 1063. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VI—CREDIT CARD SAFETY STAR PROGRAM

SEC. 601. SHORT TITLE.

This title may be cited as the ''Credit Card Safety Star Act of 2009''.

SEC. 602. FINDINGS.

Congress finds that—

(1) competition in the credit card market is severely hindered by a lack of transparency, which results in inefficient consumer choices;

(2) such lack of transparency is largely due to confusing terms and overwhelming information for consumers;

(3) the marketplace has not increased competition based on the merits of credit cards;

(4) a Government rating system that would use market forces by encouraging better transparency would increase such competition and assist consumers in making better credit card choices; and

(5) such a rating system would not preclude additional regulation or legislation that may eliminate certain practices considered unfair or abusive.

SEC. 603. TRUTH IN LENDING ACT AMENDMENTS.

The Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 127A the following new section:

''SEC. 127B. CREDIT CARD SAFETY STAR RATING SYSTEM.

''(a) DEFINITIONS.—In this section—

''(1) the term 'agreement' means the terms and conditions applicable to an open end credit plan offered by an issuer of credit;

''(2) references to a reading grade level shall be as determined by the Board, using available measurements for assessing such reading levels, including those used by the Department of Education;

''(3) the term 'Safety Star System' means the credit card safety star rating system established under this section; and

''(4) the term 'junk mail' means a form of disclosure that does not inform the consumer in a meaningful and significant way about changes in the contract, including small type, using separate pieces of paper for separate disclosures, and mixing disclosure materials with product advertisements.

''(b) RULEMAKING.—

''(1) IN GENERAL.—Not later than 12 months after the date of enactment of this section, the Board shall issue final rules to implement the Safety Star System established under this section, to allow consumers to quickly and easily compare the levels of safety associated with various open end credit plan agreements.

''(2) CONSULTATION.—The Board shall consult with the Comptroller of the Currency, the Office of Thrift Supervision, and the Federal Deposit Insurance Corporation in issuing rules to implement the Safety Star System.

''(c) ELEMENTS OF SAFETY STAR SYSTEM.—The Safety Star System shall consist of a 5-star system for rating the terms and conditions of each open end credit plan agreement between a card issuer and a cardholder, in accordance with this section.

''(d) SAFETY STAR RATINGS.—

''(1) ONE-STAR RATING.—The lowest level of safety for an open end credit plan shall be indicated by a 1-star rating.

''(2) FIVE-STAR RATING.—The highest level of safety in an open end credit plan shall be indicated by a 5-star rating.

''(e) POINT STRUCTURE FOR SAFETY STAR SYSTEM.—

''(1) VALUES.—Each variation of a term in an agreement shall be worth 1 point or −1 point, as applicable.

''(2) STAR SYSTEM.—For purposes of the Safety Star System—

''(A) 5-star credit cards are those with points totaling 7 points or greater;

''(B) 4-star credit cards are those with between 3 points and 6 points;

''(C) 3-star credit cards are those with between −1 point and 2 points;

''(D) 2-star credit cards are those with between −6 points and −2 points; and

''(E) 1-star credit cards are those with −7 points or fewer.

''(f) POINT AWARDS.—One point shall be awarded for each of the terms in an agreement under which—

''(1) no binding or nonbinding arbitration clause applies;

''(2) at least 90 days notice is provided to the cardholder if the card issuer wants to change the terms of the agreement, with the option for the consumer to opt out of the changes, while paying off their previous balance according to the original terms;

''(3) changes are disclosed in a manner that highlights the differences between the current terms and the proposed terms;

''(4) the original card agreement and all original supplementary materials are in 1 document at 1 time, and, when the card issuer discloses changes to the card agreement—

''(A) those materials are not in junk mail form; and

''(B) the changes are disclosed conspicuously, together with the next billing cycle statement, before the changes becomes effective;

''(5) no over-the-limit fees are imposed for the transactions approved at the time of transaction by the card issuer;

''(6) no fees are imposed to pay credit card bills using any method, including over the phone;

''(7) payments are applied to the highest interest rate principal first, regardless of whether the consumer only makes the minimum payment;

''(8) interest is not accrued on new purchases between the end of the billing cycle and the due date when a balance is outstanding;

''(9) security deposits and fees for credit availability (such as account opening fees or membership fees)—

''(A) are limited to 10 percent of the initial credit limit during the first 12 months; and

''(B) at account opening, are limited to 5 percent of the initial credit limit, and requires any additional amounts (up to 10 percent) to be spread evenly over at least the next 5 billing cycles;

''(10) the terms of the agreement are disclosed in a form that requires at or below an 8th grade reading level;

''(11) any secondary disclosure materials meant to supplement the terms of the agreement are disclosed in a form that requires at or below an 8th grade reading level;

''(12) no late fee may be imposed when a payment is received, whether processed by the issuer or not, within 2 days of the payment due date;

''(13) a copy of the agreement and all supplementary materials are easily available to the cardholder online; or

''(14) a substantial positive financial benefit would be provided to the consumer, as determined by the Board in accordance with subsection (h).

''(g) NEGATIVE POINTS.—One point shall be subtracted for each of the terms in an agreement under which—

''(1) binding or nonbinding arbitration is required to resolve disputes;

''(2) fewer than 30 days notice before the billing statement for which changes in terms take effect are provided to the cardholder when the card issuer wants to change the terms of the card agreement (which shall be assumed if notice of such changes is undisclosed in the agreement materials);

''(3) junk mailer disclosures are used to inform cardholders of changes in their agreements;

''(4) over-the-limit fees are imposed more than once based on the same transaction;

''(5) interest is accrued on new purchases between the end of the billing cycle and the due date when a balance is outstanding;

''(6) the terms of the agreement are disclosed in a form that requires a reading level that is above a 12th grade reading level;

''(7) any secondary disclosure materials meant to supplement the terms of the agreement are written in a form that requires a reading level above the 12th grade reading level;

''(8) a late fee may be imposed within 2 days of the payment due date;

''(9) the issuer may unilaterally change the terms in the agreement without written consent from the consumer, or the issuer may unilaterally make adverse changes to the

terms in the agreement without written consent from the consumer and written notice to the consumer of the precise behavior that provoked the adverse change;

''(10) the issuer charges interest on transaction fees, including late fees; or

''(11) there would be a negative financial impact on the interests of the consumer, as determined by the Board in accordance with subsection (h).

''(h) BOARD CONSIDERATIONS.—For purposes of subsections (f)(14) and (g)(11), the Board may consider—

''(1) the level of difficulty in understanding terms of the subject agreement by an average consumer;

''(2) how such terms will affect consumers who are close to the edge of their credit limits;

''(3) how such terms will affect consumers who do not have a good credit score, history, or rating, using commonly employed credit measurement methods (if it creates greater access to credit by reducing safety, or by other means);

''(4) whether such terms create what would appear to a reasonable consumer to be an arbitrary deadline or limit that may frustrate consumers and result in excess fees or worse financial outcomes for the consumer;

''(5) whether such terms, or the severity of such terms, is not based on the credit risks created by a particular consumer behavior, but rather is designed to solely increase revenue through lack of transparency;

''(6) whether any State has sought to limit such terms or terms that are similar thereto;

''(7) whether provisions of State law relating to unfair and deceptive practices would prohibit any such terms, but for the national bank exclusion from non-home State banking laws;

''(8) whether such terms have an anticompetitive or procompetitive effect on the marketplace; and

''(9) such additional terms or concepts that are not specified in paragraphs (1) through (8) that the Board deems difficult for an average consumer to manage, such as terms that are confusing to the typical consumer or that create a greater risk of negative financial outcomes for the typical consumer, and terms that promote transparency or competition.

''(i) LIMITATIONS.—For purposes of subsection (h), the Board may not consider, with respect to the terms of an open end credit plan agreement, the profitability or impact on the success of any particular business model of such terms.

''(j) AUTOMATIC RATING.—Notwithstanding any other provision of this section, or any other provision of State or Federal law, any open end credit plan that allows the card issuer or a designee thereof to modify the terms of the agreement at any time or periodically for unspecified or unstated reasons, shall automatically give rise to a 1-star rating for such open end credit plan.

''(k) NO POINTS IF TERMS ARE REQUIRED BY LAW.—If a particular term in an agreement becomes required by law or regulation, no points may be awarded under the Safety Star System for that term.

''(l) PROCEDURES FOR RATINGS.—

''(1) CERTIFICATION TO THE BOARD.—Each issuer of credit under an open end credit plan shall certify in writing to the Board, the number of stars to be awarded, separately for each of the card issuer's agreements. Each such certification shall specify which terms in each agreement are subject to the Safety Star System, and how the issuer arrived at the star rating for each agreement based on the Safety Star System in accordance with paragraph (2).

''(2) SUBMISSIONS TO THE BOARD.—Each agreement that is subject to a Safety Star System rating shall be submitted electronically to the Board, together with a written explanation of whether the agreement has or does not have each of the terms specified in subsections (f) and (g), before issuing or marketing a credit card under that agreement.

''(3) BOARD VERIFICATION.—

''(A) IN GENERAL.—The Board shall verify that the terms in the submitted agreement and supporting materials (such as examples of future disclosures or examples of websites with cardholder agreements) comply with the certification submitted to the Board by the issuer under this subsection, not later than 30 days after the date of submission.

''(B) AVOIDING DUPLICATIVE VERIFICATIONS.—A card issuer may certify to the Board, in writing, that all agreements that it markets include a particular term, or that the issuer will use certain practices (with supporting documents, including showing how future disclosures will be made) so that the Board is required to determine only once, with respect to that term or practice, how that term or practice affects the star ratings of the credit card agreements of the issuer.

''(4) MISREPRESENTATIONS AS VIOLATIONS.—Any certification to the Board under this section that the issuer knew, or should have known, was false or misrepresented to the Board or to a consumer the terms or conditions of a card agreement or of a Safety Star System rating under this section shall be treated as a violation of this title, and shall be subject to enforcement in accordance with section 108.

''(5) MODIFICATIONS BY CARD ISSUERS.—

''(A) IN GENERAL.—After the first annual review by the Board, mentioned in subsection (o), before implementing any new term or concept, or new way of approaching a term or concept, with respect to an open end credit plan, the card issuer shall submit the new term or concept and any supporting materials to the Board, other than with respect to an adjustment to the applicable rate of interest in an existing agreement that clearly specifies that such rate would be adjustable and under what conditions such adjustments could occur.

''(B) DETERMINATION OF THE BOARD.—Not later than 30 days after the date of a submission under subparagraph (A), the Board shall complete a review of the effects on safety of the subject new concept or term, and shall issue a decision on whether it affects the Safety Star System rating for the open end credit plan that will include the term or concept.

''(m) DISPLAY OF AND ACCESS TO RATINGS.—

''(1) DISPLAY OF RATING REQUIRED.—The Safety Star System rating for each credit card shall be clearly displayed on all marketing material, applications, billing statements, and agreements associated with that credit card, as well as on the back of each such credit card, including a brief explanation of the system displayed below each rating (other than on the back of the credit card).

''(2) NEW CARDS REQUIRED FOR LOWER RATINGS.—In any case in which the Safety Star System rating for a credit card is lowered for any reason, the card issuer shall provide new cards to account holders displaying the new rating in accordance with paragraph (1).

''(3) GRAPHIC DISPLAY.—The Safety Star System rating for a credit card shall be represented by a graphic that demonstrates not only the number of stars that the credit card has received, but also the number of stars that the card did not receive.

''(4) DEVELOPMENT OF GRAPHIC BY THE BOARD.—The Board shall determine the graphic and description of the Safety Star System for display on materials and the back of cards for purposes of this section.

''(n) CONSUMER ACCESS TO RATINGS.—

''(1) IN GENERAL.—The Board shall engage in an extensive campaign to educate consumers about the Safety Star System ratings for credit cards, using commonly used and accessible communications media.

''(2) WEBSITE.—Not later than 12 months after the date of enactment of this section, the Board shall establish and shall maintain a stand-alone website—

''(A) to provide easily understandable, in-depth information on the criteria used to assign the ratings, as provided in subsections (f) and (g); and

''(B) to include a listing of the Safety Star System ratings for each open end consumer credit plan, information on how the issuer arrived at that rating, and the number of consumers that have that plan with the issuer.

''(o) ANNUAL REVIEW BY THE BOARD.—

''(1) IN GENERAL.—The Board shall conduct a thorough annual review (of not longer than 6 months in duration) of the Safety Star System, to determine whether the point system is effectively aiding consumers, and shall promptly implement any regulatory changes as are necessary to ensure that the System protects consumers and encourages transparent competition and fairness to consumers, including implementing a system in which terms are weighted to distinguish between different levels of safety, in accordance with the purposes of this section.

''(2) AVAILABILITY OF RESULTS.—Results of the review conducted under this subsection shall be submitted to Congress, and shall be made available to the public.

''(p) PERIODIC REVIEW OF STANDARDS.—Once every 2 years, the Board shall determine whether the requirements to satisfy 2-star standards and above should be raised on the grounds that card issuers have abandoned the most unfair practices. In making such determination, the Board may not consider the profitability of business models, but may consider whether competition in the credit industry will improve consumer protection, and how the change in standards will affect such competition.''.

SEC. 604. SAFETY STAR ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is established the Credit Card Safety Star Advisory Commission (in this section referred to as the ''Commission'').

(b) DUTIES.—

(1) REVIEW OF THE CREDIT CARD SAFETY STAR SYSTEM AND ANNUAL REPORTS.—The Commission shall—

(A) review the effectiveness of the credit card Safety Star System under this section, including the topics described in paragraph (2);

(B) make recommendations to Congress concerning such system;

(C) study whether it would better protect consumers to ban some practices by creditors rather than use a rating system for those practices, including universal default, unilateral changes without consumer consent, allowing interest charges on fees, or allowing interest rate increases to apply to past debt; and

(D) by not later than March 1 of each calendar year following the date of enactment of this Act, submit a report to Congress containing the results of such reviews and its recommendations concerning such system.

(2) SPECIFIC TOPICS TO BE REVIEWED.—The Commission shall review—

(A) with respect to all credit card users—

(i) the methodology for awarding stars to credit cards under the Safety Star System, and whether there may be a better way to award stars that takes into account unfair or unsafe practices that remain uncaptured in the Safety Star System;

(ii) the consumer awareness of the Safety Star System and what may make the system more useful to consumers; and

(iii) other major issues in implementation and further development of the Safety Star System;

(B) with respect to credit card users who are at or close to their credit limits, whether such consumers are being specifically targeted in credit card agreements, and whether the Safety Star System should incorporate more terms or be revised to encourage more fair terms for such consumers; and

(C) the effects of the Safety Star System on the availability and affordability of credit and the implications of changes in credit availability and affordability in the United States and in the general market for credit services due to the Safety Star System.

(3) COMMENTS ON CERTAIN BOARD REPORTS.—

(A) TRANSMITTAL TO COMMISSION.—If the Board submits to Congress (or a committee of Congress) a report that is required by law and that relates to the Safety Star System, the Board shall transmit a copy of the report to the Commission.

(B) INDEPENDENT REVIEW.—The Commission shall review any report received under subparagraph (A) and, not later than 6 months after the date of submission of the report to Congress, shall submit to the appropriate committees of Congress written comments on such report. Such comments may include such recommendations as the Commission determines appropriate.

(4) AGENDA AND ADDITIONAL REVIEWS.—The Commission shall consult periodically with the chairperson and ranking minority members of the appropriate committees of Congress regarding the agenda of the Commission and progress towards achieving the agenda. The Commission may conduct additional reviews, and submit additional reports to the appropriate committees of Congress, from time to time on such topics relating to the Safety Star System as may be requested by such chairpersons and members, and as the Commission determines appropriate.

(5) AVAILABILITY OF REPORTS.—The Commission shall transmit to the Board a copy of each report submitted under this subsection, and shall make such reports available to the public in an easily accessible format, including operating a website containing the reports.

(6) APPROPRIATE COMMITTEES OF CONGRESS.—For purposes of this subsection, the term ''appropriate committees of Congress'' means the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(7) VOTING AND REPORTING REQUIREMENTS.—With respect to each recommendation contained in a report submitted under paragraph (1), each member of the Commission shall vote on the recommendation, and the Commission shall include, by member, the results of that vote in the report containing the recommendation. The Commission may file a minority report.

(8) EXAMINATION OF BUDGET CONSEQUENCES.—Before making any recommendation that is likely to have a Federal budgetary impact, the Commission shall examine the budget consequences of such recommendation, directly or through consultation with appropriate expert entities.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members appointed by the Congress, in accordance with this section.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—The membership of the Commission shall include individuals—

(i) who have achieved national recognition for their expertise in credit cards, debt management, economics, credit availability, consumer protection, and other credit card-related issues and fields; or

(ii) who provide a mix of different professions, a broad geographic representation, and a balance between urban and rural representatives.

(B) MAKEUP OF COMMISSION.—The Commission shall be made up of 15 members, of whom—

(i) 4 shall be representatives from consumer groups;

(ii) 4 shall be representatives from credit card issuers or banks;

(iii) 7 shall be representatives from nonprofit research entities or nonpartisan experts in banking and credit cards; and

(iv) no fewer than 1 of the members described in clauses (i) through (iii) shall represent each of—

(I) the elderly;

(II) economically disadvantaged consumers;

(III) racial or ethnic minorities; and

(IV) students and minors.

(C) ETHICS DISCLOSURES.—The Commission shall establish a system for public disclosure by members of the Commission of financial and other potential conflicts of interest relating to such members. Members of the Commission shall be treated as employees of Congress whose pay is disbursed by the Secretary of the Senate for purposes of title I of the Ethics in Government Act of 1978 (Public Law 95–521).

(3) TERMS.—

(A) IN GENERAL.—The terms of members of the Commission shall be for 5 years except that the Congress shall designate staggered terms for the members first appointed.

(B) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) COMPENSATION.—

(A) MEMBERS.—While serving on the business of the Commission (including travel time), a member of the Commission shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while so serving away from home and the regular place of business of the member, the member may be allowed travel expenses, as authorized by the Chairperson.

(B) OTHER EMPLOYEES.—For purposes of pay (other than pay of members of the Commission) and employment benefits, rights, and privileges, all employees of the Commission shall be treated as if they were employees of the United States Senate.

(5) CHAIRPERSON; VICE CHAIRPERSON.—The Congress shall, at the time of appointment of the member as Chairperson and a member as Vice Chairperson for that term of appointment, except that in the case of vacancy in the position of Chairperson or Vice Chairperson of the Commission, the Congress may designate another member for the remainder of that member's term.

(6) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(d) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—The Commission may, as necessary to assure the efficient administration of the Commission—

(1) employ and fix the compensation of an Executive Director and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of the Commission (without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5));

(4) make advance, progress, and other payments which relate to the work of the Commission;

(5) provide transportation and subsistence for persons serving without compensation; and

(6) prescribe such rules and regulations as it determines necessary with respect to the internal organization and operation of the Commission.

(e) POWERS.—

(1) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson, the head of that department or agency shall furnish that information to the Commission on an agreed upon schedule.

(2) DATA COLLECTION.—In order to carry out its functions, the Commission shall—

(A) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section;

(B) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate; and

(C) adopt procedures allowing any interested party to submit information for the Commission's use in making reports and recommendations.

(3) ACCESS OF GAO TO INFORMATION.—The Comptroller General of the United States shall have unrestricted access to all deliberations, records, and nonproprietary data of the Commission, immediately upon request for the purposes of periodic audits by the Comptroller General.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission, not more than $10,000,000 for each fiscal year to carry out this section.

SA 1064. Mr. UDALL of Colorado submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. DISCLOSURE OF CREDIT SCORES.

Section 612(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681j(a)(1)) is amended by adding at the end the following:

''(D) INCLUSION OF CREDIT SCORES.—Each consumer reporting agency described in subparagraph (A) that develops or uses a credit score with respect to any consumer shall include the information described in section 609(f) with the disclosures required by subparagraph (A) of this paragraph, free of charge.''.

SA 1065. Mr. CASEY submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 304. COLLEGE CREDIT CARD AGREEMENTS.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as otherwise amended by this Act, is amended by adding at the end the following:

''(q) COLLEGE CARD AGREEMENTS.—

''(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) COLLEGE AFFINITY CARD.—The term 'college affinity card' means a credit card issued by a credit card issuer under an open end consumer credit plan in conjunction with an agreement between the issuer and an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, under which such cards are issued to college students who have an affinity with such institution, organization and—

''(i) the creditor has agreed to donate a portion of the proceeds of the credit card to the institution, organization, or foundation (including a lump sum or 1-time payment of money for access);

''(ii) the creditor has agreed to offer discounted terms to the consumer; or

''(iii) the credit card bears the name, emblem, mascot, or logo of such institution, organization, or foundation, or other words, pictures, or symbols readily identified with such institution, organization, or foundation.

''(B) COLLEGE STUDENT CREDIT CARD ACCOUNT.—The term 'college student credit card account' means a credit card account under an open end consumer credit plan established or maintained for or on behalf of any college student.

''(C) COLLEGE STUDENT.—The term 'college student' means an individual who is a full-time or a part-time student attending an institution of higher education.

''(D) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the same meaning as in section 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

''(2) REPORTS BY CREDITORS.—

''(A) IN GENERAL.—Each creditor shall submit an annual report to the Board containing the terms and conditions of all business, marketing, and promotional agreements and college affinity card agreements with an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, with respect to any college student credit card issued to a college student at such institution.

''(B) DETAILS OF REPORT.—The information required to be reported under subparagraph (A) includes—

''(i) any memorandum of understanding between or among a creditor, an institution of higher education, an alumni association, or foundation that directly or indirectly relates to any aspect of any agreement referred to in such subparagraph or controls or directs any obligations or distribution of benefits between or among any such entities;

''(ii) the amount payments from the creditor to the institution, organization, or foundation during the period covered by the report, and the precise terms of any agreement under which such amounts are determined; and

''(iii) the number of credit card accounts covered by any such agreement that were opened during the period covered by the report and the total number of credit card accounts covered by the agreement that were outstanding at the end of such period.

''(C) AGGREGATION BY INSTITUTION.—The information reported under subparagraph (A) shall be aggregated with respect to each institution of higher education or alumni organization or foundation affiliated with or related to such institution.

''(3) REPORTS BY BOARD.—The Board shall submit to the Congress, and make available to the public, an annual report that lists the information concerning credit card agreements submitted to the Board under paragraph (2) by each institution of higher education, alumni organization, or foundation.''.

(b) STUDY AND REPORT BY THE COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General of the United States shall from time to time review the reports submitted by creditors and the marketing practices of creditors to determine the impact that college affinity card agreements and college student card agreements have on credit card debt.

(2) REPORT.—Upon completion of any study under paragraph (1), the Comptroller General shall periodically submit a report to the Congress on the findings and conclusions of the study, together with such recommendations for administrative or legislative action as the Comptroller General determines to be appropriate.

(c) EFFECTIVE DATE FOR INITIAL CREDITOR REPORTS.—The initial reports required under paragraph (2)(A) of the amendment made by subsection (a) shall be submitted to the Board before the end of the 90-day period beginning on the date of enactment of this Act.

SA 1066. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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:

At the end of the bill, add the following:

SEC. ___. FORMS OF ACCEPTABLE IDENTIFICATION FOR CREDIT CARD ISSUERS.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by inserting after section 127A the following new section:

''SEC. 127B. IDENTIFICATION AND VERIFICATION OF ACCOUNTHOLDERS.

''(a) IN GENERAL.—Subject to the requirements of this section, the Board shall prescribe regulations setting forth the minimum standards for card issuers under open end credit plans and cardholders regarding the identity of the consumer, that shall apply in connection with the opening of such a credit card account.

''(b) MINIMUM REQUIREMENTS.—The regulations required under subsection (a) shall, at a minimum, require card issuers to implement, and cardholders (after being given adequate notice) to comply with, reasonable procedures for—

''(1) verifying the identity of any person seeking to open a credit card account, to the extent reasonable and practicable;

''(2) maintaining records of the information used to verify a person's identity, including name, address, and other identifying information; and

''(3) consulting lists of known or suspected terrorists or terrorist organizations provided to the card issuer by any government agency, to determine whether a person seeking to open a credit card account appears on any such list.

''(c) FORMS OF ACCEPTABLE IDENTIFICATION.—A card issuer may not accept, for the purpose of verifying the identity of an individual seeking to open an account in accordance with this subsection, any form of identification of the individual, other than—

''(1) a social security card, accompanied by a photo identification card issued by the Federal Government or a State government;

''(2) a driver's license or identification card issued by a State, in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (49 U.S.C. 30301 note);

''(3) a passport issued by the United States or a foreign government; or

''(4) a photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Service).''.

(b) EFFECTIVE DATE.—Section 127B of the Truth in Lending Act, as added by this section, shall become effective 6 months after the date of enactment of this Act.

SA 1067. Mr. COBURN proposed an amendment to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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:

At the appropriate place, insert the following:

SEC. ___. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that ''the right of the people to keep and bear Arms, shall not be infringed''.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that ''except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net''.

(3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not ''possess, use, or transport firearms on national wildlife refuges'' of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the

Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SA 1068. Mr. COBURN 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:

At the appropriate place in the bill, insert the following:

SEC. ____. PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that ''the right of the people to keep and bear Arms, shall not be infringed''.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations, provides that ''except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net''.

(3) Section 27.42 of title 50, Code of Federal Regulations, provides that, except in special circumstances, citizens of the United States may not ''possess, use, or transport firearms on national wildlife refuges'' of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) prevent individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

(A) the National Park System; and

(B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

(i) are under review by the administration; and

(ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats and judges cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SA 1069. Mr. KERRY submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. FREEZE ON CONSUMER CREDIT CARD RATES.

(a) IN GENERAL.—Notwithstanding any other provision of this Act or the amendments made by this Act, during the period beginning on the date of enactment of this Act and ending on December 31, 2010, no creditor which extends credit to any consumer through a credit card account under an open end consumer credit plan may increase the annual percentage rate applicable to any outstanding balance as of such date of enactment on any such account for any reason, except as provided in any agreement between the consumer and a creditor in effect on the date of enactment of this Act.

(b) DEFINITIONS.—For purposes of this subsection—

(1) the terms ''consumer'', ''credit'', ''creditor'', ''credit card'', and ''open end credit plan'' have the same meanings as in section 103 of the Truth in Lending Act (15 U.S.C. 1602); and

(2) the term ''annual percentage rate'' means the annual percentage rate, as determined in accordance with section 107 of the Truth in Lending Act (15 U.S.C. 1606).

SA 1070. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. 205. LIMITATION ON CONSIDERATIONS FOR RATE INCREASES.

Section 127 of the Truth in Lending Act (12 U.S.C. 1637), as otherwise amended by this Act, is amended by adding at the end the following:

''(q) CONSIDERATIONS FOR RATE INCREASES.—Notwithstanding any other provision of this title, no card issuer may reduce a credit limit or raise the interest rate applicable to a credit card account under an open end consumer credit plan based on—

''(1) whether the geographic location of the consumer is in an area experiencing a high rate of home foreclosures or significant declines in property values;

''(2) the identity of the holder of the home mortgage of the consumer; or

''(3) employment or involvement by the consumer in a business or industry that is economically distressed.''.

SA 1071. Mrs. FEINSTEIN (for herself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 305. PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.

Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following:

''(f) CREDIT CARD PROTECTIONS FOR COLLEGE STUDENTS.—

''(1) DISCLOSURE REQUIRED.—A covered educational institution shall publicly disclose any contract or other agreement made with a card issuer or creditor for the purpose of marketing a credit card.

''(2) GIFTS PROHIBITED.—No card issuer or creditor may offer any gift or other item to a student of a covered educational institution to induce such student to apply for or participate in an open end credit plan offered by such card issuer or creditor.

''(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that each covered educational institution should consider adopting the following policies relating to credit cards:

''(A) That any card issuer that markets a credit card on the campus of such institution notify the administration of such institution of the location at which such marketing will take place.

''(B) That the number of locations on the campus of such institution at which the marketing of credit cards takes place be limited.

''(C) That credit card and debt education and counseling sessions be offered as a regular part of any orientation program for new students of such institution.''.

SA 1072. Mr. JOHANNS submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

On page 47, line 7, insert ''and small business owners'' after ''borrowers''.

SA 1073. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr.

DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. LIMIT ON PENALTY INTEREST RATE.

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

''(p) LIMIT ON PENALTY INCREASES.—A creditor may not apply, as a penalty with respect to a credit card account under an open end consumer credit plan, an increase in the annual percentage rate in excess of 7 percentage points above the interest rate that was in effect with respect to the credit card account of the consumer on the date immediately preceding the first such penalty increase for such account.''.

On page 36, line 21, strike ''(p)'' and insert ''(q)''.

SA 1074. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 304. PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.

Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following:

''(f) GIFTS TO STUDENTS PROHIBITED.—No card issuer or other creditor may offer any gift or other item to a student of a covered educational institution to induce such student to apply for or participate in an open end consumer credit plan offered by such card issuer or creditor.''.

SA 1075. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 304. COLLEGE CREDIT CARD AGREEMENTS.

(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:

''(q) COLLEGE AFFINITY CARD AGREEMENTS.—

''(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) COLLEGE AFFINITY CARD.—The term 'college affinity card' means a credit card issued by a card issuer under an open end consumer credit plan in conjunction with an agreement between the issuer and an institution of higher education, under which such cards are issued to college students who have an affinity with such institution, organization, or foundation and—

''(i) the creditor has agreed to donate a portion of the proceeds of the credit card (including a lump sum or 1-time payment of money for access) to the institution;

''(ii) the creditor has agreed to offer discounted terms to the consumer; or

''(iii) the credit card bears the name, emblem, mascot, or logo of such institution, organization, or foundation, or other words, pictures, or symbols that are identified with such institution.

''(B) COLLEGE STUDENT CREDIT CARD ACCOUNT.—The term 'college student credit card account' means a credit card account under an open end consumer credit plan established or maintained for or on behalf of any college student.

''(C) COLLEGE STUDENT.—The term 'college student' means an individual who is a full-time or a part-time student attending an institution of higher education.

''(D) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education'—

''(i) has the same meaning as in section 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1001 and 1002); and

''(ii) includes an alumni organization or foundation affiliated with or related to such institution.

''(2) REPORTS BY CREDITORS.—

''(A) IN GENERAL.—Each creditor shall submit an annual report to the Board that contains—

''(i) the terms and conditions of any business, marketing, promotional, or college affinity card agreement with an institution of higher education, with respect to any college student credit card issued to a college student at such institution;

''(ii) any memorandum of understanding between a creditor and an institution of higher education that directly or indirectly relates to any aspect of an agreement described in clause (i) or controls or directs any obligations or distribution of benefits between such entities;

''(iii) the amount of any payments from the creditor to an institution of higher education during the period covered by the report, and the precise terms of any agreement under which such amounts are determined; and

''(iv) the number of credit card accounts covered by any such agreement that were opened during the period covered by the report and the total number of credit card accounts covered by the agreement that were outstanding at the end of such period.

''(B) AGGREGATION BY INSTITUTION.—The information required to be reported under subparagraph (A) shall be aggregated with respect to each institution of higher education.

''(C) FIRST REPORT.—Each creditor shall make the first report required under this paragraph not later than 90 days after the date of enactment of the Credit CARD Act of 2009.

''(3) REPORTS BY BOARD.—The Board shall submit to the Congress, and make available to the public, an annual report that lists the information concerning credit card agreements required to be submitted to the Board under paragraph (2) for each institution of higher education.''.

(b) STUDY AND REPORT BY THE COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General of the United States shall, from time to time, review the reports submitted by creditors under section 127(q) of the Truth in Lending Act (15 U.S.C. 1637), as added by this Act, and the marketing practices of creditors, to determine the impact that college affinity card agreements and college student card agreements (as those terms are defined in that section 127(q)) have on credit card debt.

(2) REPORT.—Upon completion of a study under paragraph (1), the Comptroller General shall submit a report to the Congress on the findings and conclusions of the study, together with such recommendations for administrative or legislative action as the Comptroller General determines are appropriate.

SA 1076. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 304. PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.

Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following:

''(f) PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.—A covered educational institution may not sell or otherwise provide to a card issuer or consumer reporting agency, as that term is defined in section 603, any information about a student or prospective student of such institution.''.

SA 1077. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. FIRM OFFER OF CREDIT OR INSURANCE.

Section 603(l) of the Fair Credit Reporting Act (15 U.S.C. 1681a(l)) is amended to read as follows:

''(l) FIRM OFFER OF CREDIT OR INSURANCE.—

''(1) DEFINITION.—The term 'firm offer of credit or insurance' means any offer of credit or insurance to a consumer that specifies all material terms, and will be honored if the consumer is determined to meet the specific criteria used to select the consumer for the offer, based on information in a consumer report on the consumer.

''(2) REQUIRED DISCLOSURES IN OFFERS OF CREDIT.—In the case of a firm offer of credit, the offer shall set forth the specific annual percentage rate, fees, and amount of credit or credit limit applicable to the offer.

''(3) ACCEPTABLE CONDITIONS.—A firm offer of credit or insurance to a consumer may be further conditioned on—

''(A) verification that the consumer continues to meet the specific criteria used to select the consumer for the offer, by using information in a consumer report on the consumer, information in the application of the consumer for the credit or insurance, or other information bearing on the credit worthiness or insurability of the consumer;

''(B) the consumer furnishing any collateral that is a requirement for the extension of the credit or insurance that was—

''(i) established before selection of the consumer for the offer of credit or insurance; and

''(ii) disclosed to the consumer in the offer of credit or insurance; or

''(C) any combination of the criteria in subparagraphs (A) and (B).''.

SA 1078. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr.

DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. VERIFICATION OF ABILITY TO PAY.

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

''(p) VERIFICATION OF ABILITY TO PAY.—

''(1) IN GENERAL.—A card issuer may not open any credit card account for any consumer under an open end consumer credit plan, or increase any credit limit applicable to such an account, unless the card issuer has determined, at the time at which the account is opened or the credit limit increased, as applicable, that the consumer will be able to make the scheduled payments under the terms of the transaction, based on a consideration of the current and expected income, current obligations, and employment status of the consumer.

''(2) REGULATIONS.—The Board shall prescribe, by regulation, the appropriate formula for determining the ability of a consumer to pay, and the criteria to be considered in making any such determination, for purposes of this subsection.''.

On page 36, line 21, strike ''(p)'' and insert ''(q)''.

SA 1079. Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. CARDIN, Mrs. SHAHEEN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. EXTENDING TILA CREDIT CARD PROTECTIONS TO SMALL BUSINESSES.

(a) DEFINITION OF CONSUMER.—Section 103(h) of the Truth in Lending Act (15 U.S.C. 1602(h)) is amended—

(1) by inserting ''(1)'' after ''(h)''; and

(2) by adding at the end the following:

''(2) For purposes of any provision of this title relating to a credit card account under an open end credit plan, the term 'consumer' includes any business concern having 50 or fewer employees, whether or not the credit account is in the name of the business entity or an individual, or whether or not a subject credit transaction is for business or personal purposes.''.

(b) AMENDMENT TO EXEMPTIONS.—

(1) IN GENERAL.—Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended—

(A) in paragraph (1), by inserting after ''agricultural purposes'' the following: ''(other than a credit transaction under an open end credit plan in which the consumer is a small business having 50 or fewer employees)''; and

(B) in paragraph (4), by striking ''$25,000'' and inserting ''$50,000''.

(2) BUSINESS CREDIT CARD PROVISION.—Section 135 of the Truth in Lending Act (15 U.S.C. 1645) is amended by inserting after ''does not apply'' the following: ''with respect to any provision of this title relating to a credit card account under an open end credit plan in which the consumer is a small business having 50 or fewer employees or''.

SA 1080. Mrs. FEINSTEIN (for herself and Mr. GREGG) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 503. STUDY AND REPORT ON EMERGENCY PIN TECHNOLOGY.

(a) IN GENERAL.—The Federal Trade Commission, in consultation with the Attorney General of the United States and the United States Secret Service, shall conduct a study on the cost-effectiveness of making available at automated teller machines technology that enables a consumer that is under duress to electronically alert a local law enforcement agency that an incident is taking place at such automated teller machine, including—

(1) an emergency personal identification number that would summon a local law enforcement officer to an automated teller machine when entered into such automated teller machine; and

(2) a mechanism on the exterior of an automated teller machine that, when pressed, would summon a local law enforcement to such automated teller machine.

(b) CONTENTS OF STUDY.—The study required under subsection (a) shall include—

(1) an analysis of any technology described in subsection (a) that is currently available or under development;

(2) an estimate of the number and severity of any crimes that could be prevented by the availability of such technology;

(3) the estimated costs of implementing such technology; and

(4) a comparison of the costs and benefits of not fewer than 3 types of such technology.

(c) REPORT.—Not later than 9 months after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report on the findings of the study required under this section that includes such recommendations for legislative action as the Commission determines appropriate.

SA 1081. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 304. FINANCIAL EDUCATION COURSES AT COLLEGES AND UNIVERSITIES.

Section 140 of the Truth in Lending Act is amended by adding at the end the following:

''(f) FINANCIAL EDUCATION COURSES AT COVERED EDUCATIONAL INSTITUTIONS.—

''(1) COURSES REQUIRED.—Any financial institution that markets a credit card on the campus of a covered educational institution, or at an event sponsored by a covered educational institution, shall provide not fewer than 2 financial education courses each academic year that are open to any student of such institution.

''(2) GUIDELINES FOR COURSES.—The Deputy Assistant Secretary for Financial Education shall issue guidelines for financial institutions regarding the content of the financial education courses required under paragraph (1).

''(3) AGREEMENTS TO PROVIDE COURSES.—The Deputy Assistant Secretary for Financial Education may approve any agreement between a financial institution and a nonprofit organization for the purpose of providing the financial education courses required under paragraph (1), as the Deputy Assistant Secretary determines appropriate.

''(4) REPORT REQUIRED.—Each financial institution required to provide financial education courses under paragraph (1) shall submit an annual report to the Deputy Assistant Secretary for Financial Education that contains the date, location, and time at which each such course was provided.''.

SA 1082. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. STUDY AND REPORT ON THE MARKETING OF PRODUCTS WITH CREDIT OFFERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the terms, conditions, marketing, and value to consumers of products marketed in conjunction with credit card offers, including—

(1) debt suspension agreements;

(2) debt cancellation agreements; and

(3) credit insurance products.

(b) AREAS OF CONCERN.—The study conducted under this section shall evaluate—

(1) the suitability of the offer of products described in subsection (a) for target customers;

(2) the predatory nature of such offers; and

(3) specifically for debt cancellation or suspension agreements and credit insurance products, loss rates compared to more traditional insurance products.

(c) REPORT TO CONGRESS.—The Comptroller shall submit a report to Congress on the results of the study required by this section not later than December 31, 2010.

SA 1083. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed by her 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; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SMALL BUSINESS INFORMATION SECURITY TASK FORCE.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''small business concern'' has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632); and

(3) the term ''task force'' means the task force established under subsection (b).

(b) ESTABLISHMENT.—The Administrator shall establish a task force, to be known as the Small Business Information Security

Task Force, to address the information technology security needs of small business concerns and to help small business concerns prevent the loss of credit card data.

(c) DUTIES.—The task force shall—

(1) identify—

(A) the information technology security needs of small business concerns; and

(B) the programs and services provided by the Federal Government, State Governments, and nongovernment organizations that serve those needs;

(2) assess the extent to which the programs and services identified under paragraph (1)(B) serve the needs identified under paragraph (1)(A);

(3) make recommendations to the Administrator on how to more effectively serve the needs identified under paragraph (1)(A) through—

(A) programs and services identified under paragraph (1)(B); and

(B) new programs and services promoted by the task force;

(4) make recommendations on how the Administrator may promote—

(A) new programs and services that the task force recommends under paragraph (3)(B); and

(B) programs and services identified under paragraph (1)(B);

(5) make recommendations on how the Administrator may inform and educate with respect to—

(A) the needs identified under paragraph (1)(A);

(B) new programs and services that the task force recommends under paragraph (3)(B); and

(C) programs and services identified under paragraph (1)(B);

(6) make recommendations on how the Administrator may more effectively work with public and private interests to address the information technology security needs of small business concerns; and

(7) make recommendations on the creation of a permanent advisory board that would make recommendations to the Administrator on how to address the information technology security needs of small business concerns.

(d) INTERNET WEBSITE RECOMMENDATIONS.—The task force shall make recommendations to the Administrator relating to the establishment of an Internet website to be used by the Administration to receive and dispense information and resources with respect to the needs identified under subsection (c)(1)(A) and the programs and services identified under subsection (c)(1)(B). As part of the recommendations, the task force shall identify the Internet sites of appropriate programs, services, and organizations, both public and private, to which the Internet website should link.

(e) EDUCATION PROGRAMS.—The task force shall make recommendations to the Administrator relating to developing additional education materials and programs with respect to the needs identified under subsection (c)(1)(A).

(f) EXISTING MATERIALS.—The task force shall organize and distribute existing materials that inform and educate with respect to the needs identified under subsection (c)(1)(A) and the programs and services identified under subsection (c)(1)(B).

(g) COORDINATION WITH PUBLIC AND PRIVATE SECTOR.—In carrying out its responsibilities under this section, the task force shall coordinate with, and may accept materials and assistance as it determines appropriate from, public and private entities, including—

(1) any subordinate officer of the Administrator;

(2) any organization authorized by the Small Business Act to provide assistance and advice to small business concerns;

(3) other Federal agencies, their officers, or employees; and

(4) any other organization, entity, or person not described in paragraph (1), (2), or (3).

(h) APPOINTMENT OF MEMBERS.—

(1) CHAIRPERSON AND VICE-CHAIRPERSON.—The task force shall have—

(A) a Chairperson, appointed by the Administrator; and

(B) a Vice-Chairperson, appointed by the Administrator, in consultation with appropriate nongovernmental organizations, entities, or persons.

(2) MEMBERS.—

(A) CHAIRPERSON AND VICE-CHAIRPERSON.—The Chairperson and the Vice-Chairperson shall serve as members of the task force.

(B) ADDITIONAL MEMBERS.—

(i) IN GENERAL.—The task force shall have additional members, each of whom shall be appointed by the Chairperson, with the approval of the Administrator.

(ii) NUMBER OF MEMBERS.—The number of additional members shall be determined by the Chairperson, in consultation with the Administrator, except that—

(I) the additional members shall include, for each of the groups specified in paragraph (3), at least 1 member appointed from within that group; and

(II) the number of additional members shall not exceed 13.

(3) GROUPS REPRESENTED.—The groups specified in this paragraph are—

(A) subject matter experts;

(B) users of information technologies within small business concerns;

(C) vendors of information technologies to small business concerns;

(D) academics with expertise in the use of information technologies to support business;

(E) small business trade associations;

(F) Federal, State, or local agencies engaged in securing cyberspace; and

(G) information technology training providers with expertise in the use of information technologies to support business.

(4) POLITICAL AFFILIATION.—The appointments under this subsection shall be made without regard to political affiliation.

(i) MEETINGS.—

(1) FREQUENCY.—The task force shall meet at least 2 times per year, and more frequently if necessary to perform its duties.

(2) QUORUM.—A majority of the members of the task force shall constitute a quorum.

(3) LOCATION.—The Administrator shall designate, and make available to the task force, a location at a facility under the control of the Administrator for use by the task force for its meetings.

(4) MINUTES.—

(A) IN GENERAL.—Not later than 30 days after the date of each meeting, the task force shall publish the minutes of the meeting in the Federal Register and shall submit to Administrator any findings or recommendations approved at the meeting.

(B) SUBMISSION TO CONGRESS.—Not later than 60 days after the date that the Administrator receives minutes under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives such minutes, together with any comments the Administrator considers appropriate.

(5) FINDINGS.—

(A) IN GENERAL.—Not later than the date on which the task force terminates under subsection (m), the task force shall submit to the Administrator a final report on any findings and recommendations of the task force approved at a meeting of the task force.

(B) SUBMISSION TO CONGRESS.—Not later than 90 days after the date on which the Administrator receives the report under subparagraph (A), the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives the full text of the report submitted under subparagraph (A), together with any comments the Administrator considers appropriate.

(j) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the task force shall serve without pay for their service on the task force.

(2) TRAVEL EXPENSES.—Each member of the task force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(3) DETAIL OF SBA EMPLOYEES.—The Administrator may detail, without reimbursement, any of the personnel of the Administration to the task force to assist it in carrying out the duties of the task force. Such a detail shall be without interruption or loss of civil status or privilege.

(4) SBA SUPPORT OF THE TASK FORCE.—Upon the request of the task force, the Administrator shall provide to the task force the administrative support services that the Administrator and the Chairperson jointly determine to be necessary for the task force to carry out its duties.

(k) NOT SUBJECT TO FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the task force.

(l) STARTUP DEADLINES.—The initial appointment of the members of the task force shall be completed not later than 90 days after the date of enactment of this Act, and the first meeting of the task force shall be not later than 180 days after the date of enactment of this Act.

(m) TERMINATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the task force shall terminate at the end of fiscal year 2013.

(2) EXCEPTION.—If, as of the termination date under paragraph (1), the task force has not complied with subsection (i)(4) with respect to 1 or more meetings, then the task force shall continue after the termination date for the sole purpose of achieving compliance with subsection (i)(4) with respect to those meetings.

(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $300,000 for each of fiscal years 2010 through 2013.

SA 1084. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 503. CREDIT REPORTS IN CONSUMER'S NATIVE LANGUAGE.

Section 612(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681j(a)(1)) is amended by adding at the end the following:

''(D) NATIVE LANGUAGE REQUIREMENT FOR NON-ENGLISH SPEAKERS.—The disclosures required under this paragraph shall be provided, upon request, to the extent possible, in the native language of any consumer having limited ability to read, write, speak, and

understand English, subject to such limitations and in accordance with such guidelines as shall be established by the Commission, in consultation with the Federal Interagency Working Group on Limited English Proficiency.''.

SA 1085. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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:

At the appropriate place, insert the following:

SEC. _____. ENHANCED TAXPAYER DISCLOSURE.

(a) IN GENERAL.—It shall not be in order to consider any appropriations, direct spending, or revenue bill or joint resolution reported by any committee unless the measure contains a debt disclosure section setting forth debt disclosures in the following form:

''SEC. _____. DEBT DISCLOSURE.

''(a) CURRENT DEBT.—The level of the current gross Federal debt of the Nation is $_____.

''(b) PER PERSON.—The level of the current gross Federal debt of the Nation per citizen is $_____.

''(c) DEBT INCREASE WITH PASSAGE OF THIS ACT.—Enactment of this Act would cause the gross Federal debt of the Nation to rise or fall to $_____. The new level of gross Federal debt per citizen would equal $_____.

''(d) DEFINITIONS.—In this section, the term 'gross Federal debt' means the nominal levels of gross Federal debt (debt subject to limit as set forth in the Budget Resolution) as determined by the Bureau of Public Debt and published in latest Monthly Treasury Statement, not debt as a percentage of gross domestic product, and not levels relative to baseline projections.''.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. ____. ANNUAL NOTIFICATION OF PER TAXPAYER SHARE OF FEDERAL PUBLIC DEBT.

(a) IN GENERAL.—Chapter 77 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 7529. ANNUAL NOTIFICATION OF PER TAXPAYER SHARE OF FEDERAL PUBLIC DEBT.

''In the case of any booklet of instructions for Form 1040, 1040A, or 1040EZ prepared by the Secretary for filing individual income tax returns for taxable years beginning in any calendar year, the Secretary shall include in a prominent place the per individual taxpayer share of the Federal public debt determined on the last day of the preceding fiscal year and using the most recent census data. The information regarding such share of the Federal public debt shall also be placed prominently on the Internal Revenue Service Internet website.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter 77 is amended by adding at the end the following new item:

''Sec. 7529. Annual notification of per taxpayer share of Federal public debt.''.

SEC. _____. NATIONAL DEBT CLOCK DISPLAYED ON GOVERNMENT WEBSITES.

(a) DEFINITION.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551(1) of title 5, United States Code.

(2) CONGRESSIONAL WEBSITE.—The term ''congressional website'' means—

(A) the website relating to the Senate maintained by the Secretary of the Senate; and

(B) the website relating to the House of Representatives maintained by the Clerk of the House of Representatives.

(b) NATIONAL DEBT CLOCK.—The website of each agency and each congressional website shall include a national debt clock that displays the national debt and the rate of the increase in the national debt on a continuous basis.

SA 1086. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. EFFECTIVE DATE.

Except as provided in sections 101(a)(2) and 106(b)(2), and notwithstanding section 3 or any other provision of this Act or the amendments made by this Act, this title and the amendments made by this title shall become effective 9 months after the date on which the Board provides written certification to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that the provisions of this title and the amendments made by this title will not reduce the availability or increase the price of credit for consumers or small businesses.

SA 1087. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

On page 14, strike lines 13 through 21 and insert the following:

''(1) LIMIT ON FEES RELATED TO METHOD OF PAYMENT.—

''(1) IN GENERAL.—With respect to a credit card account under an open end consumer credit plan, the creditor may not impose a separate fee to allow the obligor to repay an extension of credit or finance charge if such repayment is made by mail, electronic transfer, or other means, unless such payment involves an expedited service by a service representative of the creditor.

''(2) SPECIAL RULE FOR TELEPHONE SERVICE.—

''(A) IN GENERAL.—With respect to a credit card account under an open end consumer credit plan, the creditor may not impose a separate fee to allow the obligor to repay an extension of credit or finance charge if such repayment is made by telephone authorization, unless such payment involves an expedited service by a service representative of the creditor.

''(B) ALTERNATIVE TO EXPEDITED SERVICE.—Any creditor that imposes a fee for repayment of an extension of credit by telephone authorization involving expedited service by a service representative of the creditor shall provide an alternative method that allows repayment by telephone authorization by the obligor without a separate fee.''.

SA 1088. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) 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; which was ordered to lie on the table; as follows:

On page 21, line 15, strike ''unless a statement'' and all that follows through line 20 and insert ''unless—

''(1) a statement which includes the amount upon which the finance charge for the period is based was mailed or delivered to the consumer not later than 21 days before the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge; and

''(2) a payment by the obligor was not—

''(A) postmarked at least 3 business days before the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge; or

''(B) made by means of an electronic fund transfer initiated on or before the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge.''.

SA 1089. Mr. DURBIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 503. USURIOUS CREDIT RATES.

(a) FINDINGS.—Congress finds that—

(1) attempts have been made to prohibit usurious interest rates in America since colonial times;

(2) at the State level, 15 States and the District of Columbia have enacted broadly applicable usury laws that protect borrowers from payday loans and many other forms of high-cost credit, while 34 States and the District of Columbia have limited annual interest rates to 36 percent or less for 1 or more types of consumer credit;

(3) at the Federal level, in 2006, Congress enacted a Federal 36 percent annualized usury cap for service members and their families for covered credit products, as defined by the Department of Defense, which curbed payday, car title, and tax refund lending around military bases;

(4) notwithstanding such attempts to curb predatory lending, high-cost lending persists in all 50 States due to loopholes in State laws, safe harbor laws for specific forms of credit, and the exportation of unregulated interest rates permitted by preemption;

(5) due to the lack of a comprehensive Federal usury cap, consumers annually pay approximately $17,500,000,000 for high-cost overdraft loans, as much as $8,600,000,000 for storefront and online payday loans, and nearly $900,000,000 for tax refund anticipation loans;

(6) cash-strapped consumers pay on average 400 percent annual interest for payday loans, 300 percent annual interest for car title loans, up to 3,500 percent for bank overdraft loans, 50 to 500 percent annual interest for loans secured by expected tax refunds, and higher than 50 percent annual percentage interest for credit cards that charge junk fees;

(7) a national maximum interest rate that includes all forms of fees and closes all loopholes is necessary to eliminate such predatory lending; and

(8) alternatives to predatory lending that encourage small dollar loans with minimal or no fees, installment payment schedules, and affordable repayment periods should be encouraged.

(b) NATIONAL MAXIMUM INTEREST RATE.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following:

"SEC. 140A. MAXIMUM RATES OF INTEREST.

''(a) IN GENERAL.—Notwithstanding any other provision of law, no creditor may make an extension of credit to a consumer with respect to which the fee and interest rate, as defined in subsection (b), exceeds 36 percent.

''(b) FEE AND INTEREST RATE DEFINED.—

''(1) IN GENERAL.—For purposes of this section, the fee and interest rate includes all charges payable, directly or indirectly, incident to, ancillary to, or as a condition of the extension of credit, including—

''(A) any payment compensating a creditor or prospective creditor for—

''(i) an extension of credit or making available a line of credit, including fees connected with credit extension or availability such as numerical periodic rates, annual fees, cash advance fees, and membership fees; or

''(ii) any fees for default or breach by a borrower of a condition upon which credit was extended, such as late fees, creditor-imposed not sufficient funds fees charged when a borrower tenders payment on a debt with a check drawn on insufficient funds, overdraft fees, and over limit fees;

''(B) all fees which constitute a finance charge, as defined by rules of the Board in accordance with this title;

''(C) credit insurance premiums, whether optional or required; and

''(D) all charges and costs for ancillary products sold in connection with or incidental to the credit transaction.

''(2) TOLERANCES.—

''(A) IN GENERAL.—With respect to a credit obligation that is payable in at least 3 fully amortizing installments over at least 90 days, the term 'fee and interest rate' does not include—

''(i) application or participation fees that in total do not exceed the greater of $30 or, if there is a limit to the credit line, 5 percent of the credit limit, up to $120, if—

''(I) such fees are excludable from the finance charge pursuant to section 106 and regulations issued thereunder;

''(II) such fees cover all credit extended or renewed by the creditor for 12 months; and

''(III) the minimum amount of credit extended or available on a credit line is equal to $300 or more;

''(ii) a late fee charged as authorized by State law and by the agreement that does not exceed either $20 per late payment or $20 per month; or

''(iii) a creditor-imposed not sufficient funds fee charged when a borrower tenders payment on a debt with a check drawn on insufficient funds that does not exceed $15.

''(B) ADJUSTMENTS FOR INFLATION.—The Board may adjust the amounts of the tolerances established under this paragraph for inflation over time, consistent with the primary goals of protecting consumers and ensuring that the 36 percent fee and interest rate limitation is not circumvented.

''(c) CALCULATIONS.—

''(1) OPEN END CREDIT PLANS.—For an open end credit plan—

''(A) the fee and interest rate shall be calculated each month, based upon the sum of all fees and finance charges described in subsection (b) charged by the creditor during the preceding 1-year period, divided by the average daily balance; and

''(B) if the credit account has been open less than 1 year, the fee and interest rate shall be calculated based upon the total of all fees and finance charges described in subsection (b)(1) charged by the creditor since the plan was opened, divided by the average daily balance, and multiplied by the quotient of 12 divided by the number of full months that the credit plan has been in existence.

''(2) OTHER CREDIT PLANS.—For purposes of this section, in calculating the fee and interest rate, the Board shall require the method of calculation of annual percentage rate specified in section 107(a)(1), except that the amount referred to in that section 107(a)(1) as the 'finance charge' shall include all fees, charges, and payments described in subsection (b)(1).

''(3) ADJUSTMENTS AUTHORIZED.—The Board may make adjustments to the calculations in paragraphs (1) and (2), but the primary goals of such adjustment shall be to protect consumers and to ensure that the 36 percent fee and interest rate limitation is not circumvented.

''(d) DEFINITION OF CREDITOR.—As used in this section, the term 'creditor' has the same meaning as in section 702(e) of the Equal Credit Opportunity Act (15 U.S.C. 1691a(e)).

''(e) NO EXEMPTIONS PERMITTED.—The exemption authority of the Board under section 105 shall not apply to the rates established under this section or the disclosure requirements under section 127(b)(6).

''(f) DISCLOSURE OF FEE AND INTEREST RATE FOR CREDIT OTHER THAN OPEN END CREDIT PLANS.—In addition to the disclosure requirements under section 127(b)(6), the Board may prescribe regulations requiring disclosure of the fee and interest rate established under this section in addition to or instead of annual percentage rate disclosures otherwise required under this title.

''(g) RELATION TO STATE LAW.—Nothing in this section may be construed to preempt any provision of State law that provides greater protection to consumers than is provided in this section.

''(h) CIVIL LIABILITY AND ENFORCEMENT.—In addition to remedies available to the consumer under section 130(a), any payment compensating a creditor or prospective creditor, to the extent that such payment is a transaction made in violation of this section, shall be null and void, and not enforceable by any party in any court or alternative dispute resolution forum, and the creditor or any subsequent holder of the obligation shall promptly return to the consumer any principal, interest, charges, and fees, and any security interest associated with such transaction. Notwithstanding any statute of limitations or repose, a violation of this section may be raised as a matter of defense by recoupment or setoff to an action to collect such debt or repossess related security at any time.

''(i) VIOLATIONS.—Any person that violates this section, or seeks to enforce an agreement made in violation of this section, shall be subject to, for each such violation, up to 1 year in prison and a fine of not more than the greater of—

''(1) 3 times the amount of the total accrued debt associated with the subject transaction; or

''(2) $50,000.

''(j) STATE ATTORNEYS GENERAL.—An action to enforce this section may be brought by the appropriate State attorney general in any United States district court or any other court of competent jurisdiction within 3 years from the date of the violation, and such attorney general may obtain injunctive relief.''.

(c) DISCLOSURE OF FEE AND INTEREST RATE FOR OPEN END CREDIT PLANS.—Section 127(b)(6) of the Truth in Lending Act (15 U.S.C. 1637(b)(6)) is amended by striking ''the total finance charge expressed'' and all that follows through the end of the paragraph and inserting ''the fee and interest rate, displayed as 'FAIR', established under section 140A.''.

SA 1090. Mr. DURBIN (for himself, Mr. KENNEDY, Mr. SCHUMER, and Mr. SANDERS) submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 503. ESTABLISHMENT OF FINANCIAL PRODUCT SAFETY COMMISSION.

(a) FINDINGS.—Congress finds that—

(1) the Nation's multiagency financial services regulatory structure has created a dispersion of regulatory responsibility, which in turn has led to an inadequate focus on protecting consumers from inappropriate consumer financial products and practices;

(2) the absence of appropriate oversight has allowed excessively costly or predatory consumer financial products and practices to flourish; and

(3) the creation of a regulator whose sole focus is the safety of consumer financial products would help address this lack of consumer protection.

(b) DEFINITIONS.—For purposes of this section—

(1) the terms ''Commission'', ''Chairperson'', and ''Commissioner'' mean the Financial Product Safety Commission established under this section and the Chairperson and any Commissioner thereof, respectively;

(2) the term ''consumer financial product'' includes—

(A) any extension of credit, deposit account, payment mechanism, or other product or service within the scope of—

(i) the Truth in Savings Act (12 U.S.C. 4301 et seq.);

(ii) the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.); or

(iii) article 3 (relating to negotiable instruments) or article 4 (relating to bank deposits) of the Uniform Commercial Code, as in effect in any State;

(B) any other extension of credit, deposit account, or payment mechanism; and

(C) any ancillary product, practice, or transaction;

(3) the term ''appropriate committees of Congress'' means the Committee on Banking, Housing, and Urban Affairs and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the Senate, and the Committee on Financial Services and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the House of Representatives, and any successor committees, as may be constituted;

(4) the term ''consumer'' means any natural person and any small business concern,

as defined in section 3 of the Small Business Act (15 U.S.C. 632); and

(5) the term ''credit'' has the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

(c) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT; CHAIRPERSON.—

(A) ESTABLISHMENT.—There is established the ''Financial Product Safety Commission'' which shall be an independent establishment, as defined in section 104(1) of title 5, United States Code.

(B) MEMBERSHIP.—

(i) IN GENERAL.—The Commission shall be comprised of 5 commissioners, appointed by the President, by and with the advice and consent of the Senate.

(ii) CONSIDERATIONS.—In making appointments to the Commission, the President shall consider individuals who, by reason of their background and expertise in areas related to consumer financial product safety, are qualified to serve as members of the Commission.

(C) CHAIRPERSON.—The Chairperson of the Commission shall be appointed by the President, by and with the advice and consent of the Senate, from among the members of the Commission.

(D) REMOVAL.—Any Commissioner may be removed by the President for neglect of duty or malfeasance in office, but for no other cause.

(2) TERM; VACANCIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B)—

(i) the Commissioners first appointed under this section shall be appointed for terms ending 3, 4, 5, 6, and 7 years, respectively, after the date of enactment of this Act, the term of each to be designated by the President at the time of nomination; and

(ii) each of their successors shall be appointed for a term of 5 years from the date of the expiration of the term for which the predecessor was appointed.

(B) LIMITATIONS.—Any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor thereof was appointed shall be appointed only for the remainder of such term. A Commissioner may continue to serve after the expiration of such term until a successor has taken office, except that such Commissioner may not continue to serve more than 1 year after the date on which the term of that Commissioner would otherwise expire under this subsection.

(3) RESTRICTIONS ON OUTSIDE ACTIVITIES.—

(A) POLITICAL AFFILIATION.—Not more than 3 Commissioners may be affiliated with the same political party.

(B) CONFLICTS OF INTEREST.—No individual may serve as a Commissioner if that individual—

(i) is in the employ of, holding any official relation to, or married to any person engaged in selling or devising consumer financial products;

(ii) owns stock or bonds of substantial value in a person so engaged;

(iii) is in any other manner pecuniarily interested in a person so engaged; or

(iv) engages in any other business, vocation, or employment.

(4) VACANCIES; QUORUM; SEAL; VICE CHAIRPERSON.—

(A) VACANCIES.—No vacancy on the Commission shall impair the right of the remaining Commissioners to exercise all of the powers of the Commission.

(B) QUORUM.—Three members of the Commission shall constitute a quorum for the transaction of business, except that—

(i) if there are only 3 members serving on the Commission because of vacancies on the Commission, 2 members of the Commission shall constitute a quorum for the transaction of business; and

(ii) if there are only 2 members serving on the Commission because of vacancies on the Commission, 2 members shall constitute a quorum for the 6-month period (or the 1-year period, if the 2 members are not affiliated with the same political party) beginning on the date of the vacancy which caused the number of Commissioners to decline to 2.

(C) SEAL.—The Commission shall have an official seal, of which judicial notice shall be taken.

(D) VICE CHAIRPERSON.—The Commission shall annually elect a Vice Chairperson to act in the absence or disability of the Chairperson or in case of a vacancy in the office of the Chairperson.

(5) OFFICES.—The Commission shall maintain a principal office and such field offices as it determines necessary, and may meet and exercise any of its powers at any other place.

(6) FUNCTIONS OF CHAIRPERSON; REQUEST FOR APPROPRIATIONS.—

(A) DUTIES.—The Chairperson shall be the principal executive officer of the Commission, and shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to—

(i) the appointment and supervision of personnel employed by the Commission (and the Commission shall fix their compensation at a level comparable to that for employees of the Securities and Exchange Commission);

(ii) the distribution of business among personnel appointed and supervised by the Chairperson and among administrative units of the Commission; and

(iii) the use and expenditure of funds.

(B) GOVERNANCE.—In carrying out any of the functions of the Chairperson under this subsection, the Chairperson shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may, by law, be authorized to make.

(C) REQUESTS FOR APPROPRIATIONS.—Requests or estimates for regular, supplemental, or deficiency appropriations on behalf of the Commission may not be submitted by the Chairperson without the prior approval of a majority vote of the serving members of the Commission.

(7) AGENDA AND PRIORITIES; ESTABLISHMENT AND COMMENTS.—Not later than 30 days before the beginning of each fiscal year, the Commission shall establish an agenda for Commission action under its jurisdiction and, to the extent feasible, shall establish priorities for such actions. Before establishing such agenda and priorities, the Commission shall conduct a public hearing on the agenda and priorities, and shall provide reasonable opportunity for the submission of comments.

(d) OBJECTIVES AND RESPONSIBILITIES.—

(1) OBJECTIVES.—The objectives of the Commission are—

(A) to minimize unreasonable consumer risk associated with buying and using consumer financial products;

(B) to prevent and eliminate practices that lead consumers to incur unreasonable, inappropriate, or excessive debt, or make it difficult for consumers to repay existing debt, including practices or product features that are abusive, fraudulent, unfair, deceptive, predatory, anticompetitive, or otherwise inconsistent with consumer protection;

(C) to promote practices that assist and encourage consumers to use credit and consumer financial products responsibly, avoid excessive debt, and avoid unnecessary or excessive charges derived from or associated with consumer financial products;

(D) to ensure that providers of consumer financial products provide credit based on the ability of the consumer to repay the debt incurred;

(E) to ensure that consumer credit history is maintained, reported, and used fairly and accurately;

(F) to maintain strong privacy protections for consumer transactions, credit history, and other personal information associated with the use of consumer financial products;

(G) to collect, investigate, resolve, and inform the public about consumer complaints regarding consumer financial products;

(H) to ensure a fair resolution of consumer disputes regarding consumer financial products; and

(I) to take such other steps as are reasonable to protect users of consumer financial products.

(2) RESPONSIBILITIES.—The Commission shall—

(A) promulgate consumer financial product safety rules that—

(i) ban abusive, fraudulent, unfair, deceptive, predatory, anticompetitive, or otherwise anticonsumer practices, products, or product features;

(ii) place reasonable restrictions on consumer financial products, practices, or product features to reduce the likelihood that they may be provided in a manner that is inconsistent with the objectives specified in paragraph (1); and

(iii) establish requirements for such clear and adequate warnings or other information, and the form and manner of delivery of such warnings or other information, as may be appropriate to advance the objectives specified in paragraph (1);

(B) establish and maintain a best practices guide for all providers of consumer financial products;

(C) conduct such continuing studies and investigations of consumer financial products and industry practices as it determines necessary;

(D) award grants or enter into contracts for the conduct of such studies and investigations with any person (including a governmental entity), as necessary to advance the objectives specified in paragraph (1);

(E) following publication of a rule, assist public and private organizations or groups of consumer financial product providers, administratively and technically, in the development of safety standards or guidelines that would assist such providers in complying with such rule;

(F) comment on selected rulemakings of departments and agencies designated in subsection (e)(4) affecting consumer financial products; and

(G) establish and operate a consumer financial product customer hotline which consumers can call to register complaints and receive information on how to combat anticonsumer products or practices.

(e) COORDINATION OF ENFORCEMENT.—

(1) IN GENERAL.—Notwithstanding any concurrent or similar authority of any other agency, the Commission shall enforce the requirements of this section.

(2) RULE OF CONSTRUCTION.—The authority granted to the Commission to make and enforce rules under this section shall not be construed to impair the authority of any other Federal department or agency to make and enforce rules under any other provision of law, provided that any portion of any rule promulgated by any other such department or agency that conflicts with a rule promulgated by the Commission and that is less protective of consumers than the rule promulgated by the Commission shall be superseded by the rule promulgated by the Commission, to the extent of the conflict. Any portion of any rule promulgated by any

other such department or agency that is not superseded by a rule promulgated by the Commission shall remain in force without regard to this section.

(3) AGENCY AUTHORITY.—Any department or agency designated in paragraph (4) may exercise, for the purpose of enforcing compliance with any requirement imposed under this section, any authority conferred on such department or agency by any other Act.

(4) DESIGNATED DEPARTMENTS AND AGENCIES.—The departments and agencies designated in this subsection are—

(A) the Board of Governors of the Federal Reserve System;

(B) the Federal Deposit Insurance Corporation;

(C) the Office of the Comptroller of the Currency;

(D) the Office of Thrift Supervision;

(E) the National Credit Union Administration;

(F) the Federal Housing Finance Authority;

(G) the Federal Housing Administration;

(H) the Department of Housing and Urban Development;

(I) the Federal Home Loan Bank Board;

(J) the Federal Trade Commission; and

(K) any successor to any department or agency referred to in subparagraphs (A) through (J) as may be constituted.

(5) COORDINATION OF RULEMAKING.—Any department or agency designated in paragraph (4) that engages in a rulemaking affecting consumer financial products shall consult with the Commission in the promulgation of such rules.

(f) AUTHORITIES.—

(1) AUTHORITY TO CONDUCT HEARINGS OR OTHER INQUIRIES.—

(A) IN GENERAL.—The Commission may, by one or more of its members, or by such agents or agency as it may designate, conduct any hearing or other inquiry necessary or appropriate to its functions anywhere in the United States.

(B) MEMBER PARTICIPATION.—A Commissioner who participates in a hearing or other inquiry described in subparagraph (A) shall not be disqualified solely by reason of such participation from subsequently participating in a decision of the Commission in the same matter.

(C) NOTICE REQUIRED.—The Commission shall publish notice of any proposed hearing in the Federal Register, and shall afford a reasonable opportunity for interested persons to present relevant testimony and data.

(2) COMMISSION POWERS; ORDERS.—The Commission shall have the power—

(A) to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe to carry out a specific regulatory or enforcement function of the Commission, and such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine, and such order shall contain a complete statement of the reasons that the Commission requires the report or answers specified in the order to carry out a specific regulatory or enforcement function of the Commission;

(B) to administer oaths;

(C) to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(D) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under subparagraph (C);

(E) to pay witnesses the same fees and mileage costs as are paid in like circumstances in the courts of the United States;

(F) to accept voluntary and uncompensated services relevant to the performance of the duties of the Commission, notwithstanding the provisions of section 1342 of title 31, United States Code, and to accept voluntary and uncompensated services (but not gifts) relevant to the performance of the duties of the Commission, provided that any such services shall not be from parties that have or are likely to have business before the Commission;

(G) to—

(i) issue an order requiring compliance with applicable legal requirements;

(ii) issue a civil penalty order in accordance with subsection (i)(2);

(iii) initiate, prosecute, defend, intervene in, or appeal (other than to the Supreme Court of the United States), through its own legal representative and in the name of the Commission, any civil action, if the Commission makes a written request to the Attorney General of the United States for representation in such civil action and the Attorney General does not, within the 45-day period beginning on the date on which such request was made, notify the Commission in writing that the Attorney General will represent the Commission in such civil action; and

(iv) whenever the Commission obtains evidence that any person has engaged in conduct that may constitute a violation of Federal criminal law, including a violation of subsection (h), transmit such evidence to the Attorney General of the United States; and

(H) to delegate any of its functions or powers, other than the power to issue subpoenas under subparagraph (C), to any officer or employee of the Commission.

(3) NONCOMPLIANCE WITH SUBPOENA OR COMMISSION ORDER.—If a person refuses to obey a subpoena or order of the Commission issued under paragraph (2), the Commission (subject to paragraph (2)(G)) or the Attorney General of the United States may bring an action in the United States district court for the district and division in which the inquiry is carried out or any other appropriate United States district court seeking an order requiring compliance with the subpoena or order.

(4) DISCLOSURE OF INFORMATION.—No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information to the Commission.

(5) CUSTOMER AND REVENUE DATA.—The Commission may, by rule, require any provider of consumer financial products to provide to the Commission such customer and revenue data as may be required to carry out this section.

(6) PURCHASE OF CONSUMER FINANCIAL PRODUCTS BY COMMISSION.—For purposes of carrying out this section, the Commission may purchase any consumer financial product and it may require any provider of consumer financial products to sell the product to the Commission at cost.

(7) CONTRACT AUTHORITY.—The Commission is authorized to enter into contracts with governmental entities, private organizations, or individuals for the conduct of activities authorized by this section.

(8) BUDGET ESTIMATES AND REQUESTS; LEGISLATIVE RECOMMENDATIONS; TESTIMONY; COMMENTS ON LEGISLATION.—

(A) BUDGET COPIES TO CONGRESS.—Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the appropriate committees of Congress.

(B) LEGISLATIVE RECOMMENDATION.—Whenever the Commission submits any legislative recommendations, testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the appropriate committees of Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the appropriate committees of Congress.

(g) COLLABORATION WITH FEDERAL AND STATE ENTITIES.—

(1) PREEMPTION.—Nothing in this section or any rule promulgated under this section may be construed to annul, alter, affect, or exempt any person from complying with the laws of any State, except to the extent that those laws are inconsistent with a consumer financial product safety rule promulgated by the Commission, and then only to the extent of the inconsistency. For purposes of this section, a State law is not inconsistent with this section or a consumer financial product safety rule, or the purposes of this section or such rule, if the protection afforded by such State law to any consumer is greater than the protection provided by this section or such consumer financial product safety rule. Nothing in this section or any rule promulgated under this section precludes any remedy under State law to or on behalf of a consumer.

(2) PROGRAMS TO PROMOTE FEDERAL-STATE COOPERATION.—

(A) IN GENERAL.—The Commission shall establish a program to promote cooperation between the Federal Government and State governments for purposes of carrying out this section.

(B) AUTHORITIES.—In implementing the program under subparagraph (A), the Commission may—

(i) accept from any State or local authority engaged in activities relating to consumer protection assistance in such functions as data collection, investigation, and educational programs, as well as other assistance in the administration and enforcement of this section which such States or local governments may be able and willing to provide and, if so agreed, may pay in advance or otherwise for the reasonable cost of such assistance; and

(ii) commission any qualified officer or employee of any State or local government agency as an officer of the Commission for the purpose of conducting investigations.

(3) COOPERATION OF FEDERAL DEPARTMENTS AND AGENCIES.—The Commission may obtain from any Federal department or agency such statistics, data, program reports, and other materials as it may determine necessary to carry out its functions under this section. Each such department or agency shall cooperate with the Commission and, to the extent permitted by law, furnish such materials to the Commission. The Commission and the heads of other departments and agencies engaged in administering programs relating to consumer financial product safety shall, to the maximum extent practicable, cooperate and consult in order to ensure fully coordinated efforts.

(h) PROHIBITED ACTS.—It shall be unlawful for any person—

(1) to advertise, offer, or attempt to enforce any agreement, term, change in term, fee, or charge in connection with any consumer financial product, or engage in any practice, that is not in conformity with this section or an applicable consumer financial product safety rule under this section; or

(2) to fail or refuse to permit access to or copying of records, or fail or refuse to establish or maintain records, or fail or refuse to make reports or provide information to the Commission, as required under this section or any rule under this section.

(i) ENFORCEMENT.—

(1) CRIMINAL PENALTIES.—

(A) KNOWING AND WILLFUL VIOLATIONS.—Any person who knowingly and willfully violates subsection (h) shall be fined not more than $500,000, imprisoned not more than 1 year, or both for each such violation.

(B) EXECUTIVES AND AGENTS.—Any individual director, officer, or agent of a business entity who knowingly and willfully authorizes, orders, or performs any of the acts or practices constituting in whole or in part a violation of subsection (h) shall be subject to penalties under this section, without regard to any penalties to which that person may otherwise be subject.

(2) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person who violates subsection (h) shall be subject to a civil penalty in an amount established under subparagraph (B). A violation of subsection (h) shall constitute a separate civil offense with respect to each consumer financial product transaction involved.

(B) PUBLICATION OF SCHEDULE OF PENALTIES.—Not later than December 1, 2009, and December 1 of each fifth year thereafter, the Commission shall prescribe and publish in the Federal Register a schedule of the maximum authorized civil penalty that shall apply for any violation of subsection (h) that occurs on or after January 1 of the year immediately following the date of such publication.

(C) RELEVANT FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of any civil penalty in an action for a violation of subsection (h), the Commission—

(i) shall consider—

(I) the nature of the consumer financial product;

(II) the severity of the unreasonable risk to the consumer;

(III) the number of products or services sold or distributed;

(IV) the occurrence or absence of consumer injury; and

(V) the appropriateness of such penalty in relation to the size of the business of the person charged; and

(ii) shall ensure that penalties in each case are sufficient to induce compliance by all regulated entities.

(D) COMPROMISE OF PENALTY; DEDUCTIONS FROM PENALTY.—

(i) IN GENERAL.—Any civil penalty under this section may be compromised by the Commission.

(ii) CONSIDERATIONS.—In determining the amount of such penalty or whether it should be remitted or mitigated and in what amount, the Commission—

(I) shall consider—

(aa) the nature of the consumer financial product;

(bb) the severity of the unreasonable risk to the consumer;

(cc) the number of offending products or services sold;

(dd) the occurrence or absence of consumer injury; and

(ee) the appropriateness of such penalty to the size of the business of the person charged; and

(II) shall ensure that compromise penalties remain sufficient to induce compliance by all regulated entities.

(iii) AMOUNT.—The amount of a penalty compromised under this paragraph, when finally determined, or the amount agreed on compromise, may be deducted from any sums owing by the United States to the person charged.

(3) COLLECTION AND USE OF PENALTIES.—

(A) ESTABLISHMENT OF FUND.—There is established within the Treasury of the United States a fund, into which shall be deposited all criminal and civil penalties collected under this section.

(B) USE OF FUND.—The fund established under this subsection shall be used to defray the costs of the operations of the Commission or, where appropriate, provide restitution to harmed consumers.

(4) PRIVATE ENFORCEMENT.—

(A) IN GENERAL.—A person may bring a civil action for a violation of subsection (h) for equitable relief and other charges and costs in an amount equal to the sum of—

(i) any actual damages sustained by such person as a result of such violation, if actual damages resulted;

(ii) twice the amount of any finance charge in connection with the transaction, except that such liability shall not be less than $1,000, such minimum to be adjusted on an annual basis by the Commission based upon the consumer price index; and

(iii) reasonable attorney fees and costs.

(B) STATUTE OF LIMITATIONS.—Any action under this paragraph may be brought in any appropriate United States district court, or in any other court of competent jurisdiction, not later than 2 years after the date of the discovery of the violation.

(5) RULES OF CONSTRUCTION.—Nothing in this subsection bars a person from asserting a violation of this section in an action to collect a debt, or if foreclosure has been initiated, as a matter of defense by recoupment or set-off. An action under this subsection shall not be the basis for removal of an action to a United States district court. Neither this subsection nor any other provision of this section preempts or otherwise displaces claims and remedies available under State law, except as otherwise specifically provided in this section.

(6) STATE ACTIONS FOR VIOLATIONS.—

(A) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, if the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating subsection (h), the State—

(i) may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction;

(ii) may bring an action on behalf of the residents of the State to recover—

(I) damages for which the person is liable to such residents under paragraph (4) as a result of the violation; and

(II) civil penalties, as established under paragraph (2); and

(iii) in the case of any successful action under clause (i) or (ii), shall be awarded the costs of the action and reasonable attorney fees, as determined by the court.

(B) RIGHTS OF FEDERAL REGULATORS.—

(i) NOTICE OF STATE ACTION.—A State shall serve prior written notice of any action under subparagraph (A) upon the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

(ii) COMMISSION AUTHORIZATION.—Upon notice of an action under clause (i), the Commission shall have the right—

(I) to intervene in the action;

(II) upon so intervening, to be heard on all matters arising therein;

(III) to remove the action to the appropriate United States district court; and

(IV) to file petitions for appeal.

(C) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection or in any other provision of Federal law shall prevent the chief law enforcement officer of a State, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(D) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Commission has instituted a civil action or an administrative action for a violation of subsection (h), a State may not, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of subsection (h) that is alleged in that complaint.

(j) REPORTS.—

(1) REPORTS TO THE PUBLIC.—The Commission shall determine what reports should be produced and distributed to the public on a recurring and ad hoc basis, and shall prepare and publish such reports on a website that provides free access to the general public.

(2) REPORT TO THE PRESIDENT AND CONGRESS.—

(A) IN GENERAL.—The Commission shall prepare and submit to the President and the appropriate committees of Congress, at the beginning of each regular session of Congress, a comprehensive report on the administration of this section for the preceding fiscal year.

(B) REPORT CONTENT.—The reports required by this subsection shall include—

(i) a thorough appraisal, including statistical analyses, estimates, and long-term projections, of the incidence and effects of practices associated with the provision of consumer financial products that are inconsistent with the objectives specified in subsection (d)(1), with a breakdown, insofar as practicable, among the various sources of injury, as the Commission finds appropriate;

(ii) a list of consumer financial product safety rules prescribed or in effect during such year;

(iii) an evaluation of the degree of observance of consumer financial product safety rules, including a list of enforcement actions, court decisions, and compromises of civil penalties, by location and company name;

(iv) a summary of outstanding problems confronting the administration of this section, in order of priority;

(v) an analysis and evaluation of public and private consumer financial product safety research activities;

(vi) a list, with a brief statement of the issues, of completed or pending judicial actions under this section;

(vii) the extent to which technical information was disseminated to the research and consumer communities and consumer information was made available to the public;

(viii) the extent of cooperation between Commission officials, representatives of the consumer financial products industry, and other interested parties in the implementation of this section, including a log or summary of meetings held between Commission officials and representatives of industry and other interested parties;

(ix) an appraisal of significant actions of State and local governments relating to the responsibilities of the Commission;

(x) such recommendations for additional legislation as the Commission deems necessary to carry out this section; and

(xi) the extent of cooperation with, and the joint efforts undertaken by, the Commission

in conjunction with other regulators with whom the Commission shares responsibilities for consumer financial product safety.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for purposes of carrying out this section such sums as may be necessary.

SA 1091. Mr. CARDIN submitted an amendment intended to be proposed 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; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. BOARD REVIEW OF SMALL BUSINESS CREDIT PLANS AND REGULATIONS.

(a) REQUIRED REVIEW.—Not later than 6 months after the effective date of this Act, the Board shall to conduct a review of the use of credit cards by businesses with not more than 500 employees (in this section referred to as ''small businesses'') and the credit card market for small businesses, including—

(1) the terms of credit card agreements for small businesses and the practices of credit card issuers relating to small businesses;

(2) the adequacy of disclosures of terms, fees, and other expenses of credit card plans for small businesses;

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans for small businesses;

(4) the cost and availability of credit for small businesses, particularly with respect to non-prime borrowers;

(5) the use of risk-based pricing for small businesses; and

(6) credit card product innovation relating to small businesses.

(b) SOLICITATION OF PUBLIC COMMENT.—In conducting the review required by subsection (a), the Board shall solicit comment from owners of small businesses, credit card issuers, and other interested parties, such as through hearings or written comments.

(c) REGULATIONS.—Following the review required by subsection (a), the Board shall publish notice in the Federal Register—

(1) that summarizes the review, the comments received from the public solicitation, and other evidence gathered by the Board, such as through consumer testing or other research; and

(2) that—

(A) proposes new or revised regulations or interpretations to update or revise disclosures and protections for credit cards for small businesses, as appropriate; or

(B) states the reasons for any determination of the Board that new or revised regulations are not proposed under subparagraph (A).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, at 10 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, May 12, 2009, at 2:30 p.m., in room SD–336 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, at 9:45 a.m. in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, at 2:30 p.m. in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, in 106 Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, at 10:15 a.m., to hold a hearing entitled ''U.S. Strategy Toward Pakistan.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, at 2 p.m., to hold a hearing entitled ''Energy Security: Historical Perspectives and Modern Challenges.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, at 10 a.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, May 12, 2009, at 4 p.m. to conduct a hearing entitled ''The Homeland Security Department's Budget Submission for Fiscal Year 2010.''

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

COMMITTEE ON THE JUDICIARY

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate to conduct a hearing entitled ''Helping State and Local Law Enforcement'' on Tuesday, May 12, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate to conduct a hearing entitled ''Nominations'' on Tuesday, May 12, 2009, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, May 12.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 12, 2009 at 2:30 p.m.

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

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Agriculture Committee be discharged en bloc from further consideration of PN230, PN268, PN356, and PN367; that the Senate then proceed en bloc to their consideration; that the nominations be confirmed and the motions to reconsider be laid upon the table en bloc; that no further motions be in order, and any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF AGRICULTURE

Dallas P. Tonsager, of South Dakota, to be Under Secretary of Agriculture for Rural Development.

Krysta Harden, of Virginia, to be an Assistant Secretary of Agriculture.

Rajiv J. Shah, of Washington, to be Under Secretary of Agriculture for Research, Education, and Economics.

Pearlie S. Reed, of Arkansas, to be an Assistant Secretary of Agriculture.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 79, 129, 130, 131, and 133; that the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order, and any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF HOMELAND SECURITY

William Craig Fugate, of Florida, to be Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

ENVIRONMENTAL PROTECTION AGENCY

Cynthia J. Giles, of Rhode Island, to be an Assistant Administrator of the Environmental Protection Agency.

Mathy Stanislaus, of New Jersey, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

Michelle DePass, of New York, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF HOMELAND SECURITY

John Morton, of Virginia, to be an Assistant Secretary of Homeland Security.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H. Con. Res. 38 and that the Senate then proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 38) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

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

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 38) was agreed to.

DESIGNATING MAY 15, 2009, AS ''ENDANGERED SPECIES DAY''

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 121.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 121) designating May 15, 2009 as ''Endangered Species Day.''

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

Mr. REID. Mr. 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, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 121) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 121

Whereas, in the United States and around the world, more than 1,000 species are officially designated as at risk of extinction and thousands more also face a heightened risk of extinction;

Whereas the actual and potential benefits that may be derived from many species have not yet been fully discovered and would be permanently lost if not for conservation efforts;

Whereas recovery efforts for species such as the whooping crane, Kirtland's warbler, the peregrine falcon, the gray wolf, the gray whale, the grizzly bear, and others have resulted in great improvements in the viability of such species;

Whereas saving a species requires a combination of sound research, careful coordination, and intensive management of conservation efforts, along with increased public awareness and education;

Whereas ⅔ of endangered or threatened species reside on private lands;

Whereas voluntary cooperative conservation programs have proven to be critical to habitat restoration and species recovery; and

Whereas education and increasing public awareness are the first steps in effectively informing the public about endangered species and species restoration efforts: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2009, as ''Endangered Species Day'';

(2) encourages schools to spend at least 30 minutes on Endangered Species Day teaching and informing students about—

(A) threats to endangered species around the world; and

(B) efforts to restore endangered species, including the essential role of private landowners and private stewardship in the protection and recovery of species;

(3) encourages organizations, businesses, private landowners, and agencies with a shared interest in conserving endangered species to collaborate in developing educational information for use in schools; and

(4) encourages the people of the United States—

(A) to become educated about, and aware of, threats to species, success stories in species recovery, and opportunities to promote species conservation worldwide; and

(B) to observe the day with appropriate ceremonies and activities.

DESIGNATING MAY 15, 2009, AS ''NATIONAL MPS AWARENESS DAY''

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 143 which was submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 143) designating May 15, 2009 as ''National MPS Awareness Day.''

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 143) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 143

Whereas mucopolysaccharidosis (referred to in this resolution as ''MPS'') is a genetically determined lysosomal storage disease that renders the human body incapable of producing certain enzymes needed to break down complex carbohydrates;

Whereas complex carbohydrates are then stored in almost every cell in the body and progressively cause damage to such cells;

Whereas such cell damage adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system;

Whereas the cellular damage caused by MPS often results in mental retardation, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas the nature of the disease is usually not apparent at birth;

Whereas, without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas recent research developments have resulted in the creation of limited treatments for some MPS diseases;

Whereas promising advancements in the pursuit of treatments for additional MPS diseases are underway;

Whereas, despite the creation of newly developed remedies, the blood-brain barrier continues to be a significant impediment to effectively treating the brain, thereby preventing the treatment of many of the symptoms of MPS;

Whereas treatments for MPS will be greatly enhanced with continued public funding;

Whereas the quality of life for individuals afflicted with MPS, and the treatments available to them, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS diseases;

Whereas the lack of awareness about MPS diseases extends to those within the medical community;

Whereas the damage that is caused by MPS makes it a model for the study of many other degenerative genetic diseases;

Whereas the development of effective therapies and a potential cure for MPS diseases can be accomplished by increased awareness, research, data collection, and information distribution;

Whereas the Senate is an institution than can raise public awareness about MPS; and

Whereas the Senate is also an institution that can assist in encouraging and facilitating increased public and private sector research for early diagnosis and treatments of MPS diseases: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2009, as ''National MPS Awareness Day''; and

(2) supports the goals and ideals of ''National MPS Awareness Day''.

Mr. REID. Mr. President, the reason we say ''MPS'' is the word is hard to pronounce. It is spelled M-U-C-O-P-O-L-Y-S-A-C-C-H-A-R-I-D-O-S-I-S. I commend the Senators for moving this forward. It is a very complex problem many people have. More awareness should be made of this condition. As a result, we are confident and hopeful that because this resolution passes, there will be more medical research about this condition, MPS.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL WOMEN'S HEALTH WEEK

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to S. Res. 144.

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

The legislative clerk read as follows:

A resolution (S. Res. 144) supporting the goals and ideals of National Woman's Health Week.

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

Mr. REID. Mr. 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, that there be no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 144) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 144

Whereas women of all backgrounds should be encouraged to greatly reduce the risk of common diseases through preventive measures such as a healthy lifestyle that includes engaging in regular physical activity, eating a nutritious diet, and visiting a healthcare provider to receive regular check-ups and preventative screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African-American women, Asian-Pacific Islander women, Latinas, American-Indian women, and Alaska Native women;

Whereas healthy habits should begin at a young age;

Whereas it is important to educate women and girls about the significance of awareness of key female health issues;

Whereas the Offices on Women's Health within the Department of Health and Human Services, the Food and Drug Administration, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institutes of Health, and the Agency for Healthcare Research and Quality are vital to providing critical services in supporting women's health research, education, and other necessary services that benefit women of any age, race, or ethnicity;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues;

Whereas May 11, 2009, is National Women's Check-Up Day; and

Whereas in 2009, the week of May 10 through May 16 is dedicated as National Women's Health Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week, which begins on May 10, 2009, as an opportunity to learn about health issues that face women;

(4) calls on the women of the United States to observe National Women's Check-Up Day by receiving preventive screenings from their health care providers; and

(5) recognizes the importance of federally-funded programs that provide research and collect data on common diseases in women.

DESIGNATING THE WEEK OF MAY 17 THROUGH MAY 23, 2009, AS ''NATIONAL PUBLIC WORKS WEEK''

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 145.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 145) designating May 17 through May 23, 2009, as ''National Public Works Week.''

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

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

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

The resolution (S. Res. 145) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 145

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas those facilities and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas those individuals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens and communities of the United States; and

Whereas it is in the interest of the public for citizens and civic leaders to understand the role that public infrastructure plays in protecting the environment, improving public health and safety, contributing to economic vitality, and enhancing the quality of life of every community of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 17 through May 23, 2009, as ''National Public Works Week'';

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that those professionals serve; and

(3) urges citizens and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the United States; and

(B) to recognize the substantial contributions that public works professionals make to the United States.

ORDERS FOR WEDNESDAY, MAY 13, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 tomorrow morning, Wednesday, May 13; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to executive session, with 1 hour for debate, equally divided and controlled between the two leaders or their designees; that upon the use or yielding back of the time, the Senate vote on the motion to invoke cloture on the Hayes nomination.

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

ORDER FOR RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate recess from 12:30 until 1:30 tomorrow afternoon for a Democratic caucus.

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

PROGRAM

Mr. REID. Mr. President, we are going to come in tomorrow morning, and we will vote at approximately 10:30 on whether we are going to invoke cloture on the motion to close debate on the Hayes nomination. It is a very important nomination for Secretary

Salazar. We are going to recess from 12:30 to 1:30 for a caucus, where a number of the President's people will be giving us information that we and they feel is important.

Tomorrow night, at 6:30, everybody should be reminded there is a Senate spouses' dinner—both Democrats and Republicans with their spouses. We will have a nice dinner at the Botanic Garden. This is done every year following the First Lady's luncheon. It is a good night for us to meet in a nonadversarial role. The Botanic Garden at this time of year is a remarkably beautiful place.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

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

There being no objection, the Senate, at 7:36 p.m., adjourned until Wednesday, May 13, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE TREASURY

WILLIAM J. WILKINS, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF COUNSEL FOR THE INTERNAL REVENUE SERVICE AND AN ASSISTANT GENERAL COUNSEL IN THE DEPARTMENT OF THE TREASURY, VICE DONALD KORB, RESIGNED.

OFFICE OF PERSONNEL MANAGEMENT

CHRISTINE M. GRIFFIN, OF MASSACHUSETTS, TO BE DEPUTY DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT, VICE HOWARD CHARLES WEIZMANN, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

JEFFREY D. ZIENTS, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET, VICE CLAY JOHNSON, III, 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 lieutenant general

MAJ. GEN. WILLIAM T. LORD

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DIRECTOR, ARMY NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. JOSEPH J. TALUTO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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

MAJ. GEN. DENNIS L. VIA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203:

To be major general

BRIGADIER GENERAL HAROLD G. BUNCH
BRIGADIER GENERAL STUART M. DYER
BRIGADIER GENERAL GLENN J. LESNIAK
BRIGADIER GENERAL CHARLES D. LUCKEY
BRIGADIER GENERAL JEFFREY W. TALLEY
BRIGADIER GENERAL LUIS R. VISOT

To be brigadier general

COLONEL MARK C. ARNOLD
COLONEL LAWRENCE W. BROCK III
COLONEL DWAYNE R. EDWARDS
COLONEL STEVEN J. FELDMANN
COLONEL FERNANDO FERNANDEZ
COLONEL JONATHAN G. IVES
COLONEL BUD R. JAMESON, JR.
COLONEL BRYAN R. KELLY
COLONEL JON D. LEE
COLONEL MARK T. MCQUEEN
COLONEL THERESE M. O'BRIEN
COLONEL LUCAS N. POLAKOWSKI
COLONEL PETER T. QUINN
COLONEL ROBERT L. WALTER, JR.
COLONEL JAMES T. WILLIAMS

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL JAMES W. KWIATKOWSKI
BRIGADIER GENERAL JEFFREY S. LAWSON
BRIGADIER GENERAL DEBORAH S. ROSE
BRIGADIER GENERAL EDWIN A. VINCENT, JR.

To be brigadier general

COLONEL STEPHEN M. ATKINSON
COLONEL PAUL L. AYERS
COLONEL DANIEL S.V. BADER
COLONEL DARYL L. BOHAC
COLONEL JOSEPH J. BRANDEMUEHL
COLONEL TIMOTHY T. DEARING
COLONEL SHARON S. DIEFFENDERFER
COLONEL JONATHAN S. FLAUGHER
COLONEL ROBERT M. GINNETTI
COLONEL JOHNATHAN H. GROFF
COLONEL JAMES D. HILL
COLONEL ZANE R. JOHNSON
COLONEL JOSEPH K. KIM
COLONEL KEITH I. LANG
COLONEL ROBERT W. LOVELL
COLONEL JOHN P. MCGOFF
COLONEL GUNTHER H. NEUMANN
COLONEL PAUL A. POCOPANNI, JR.
COLONEL CHRISTOPHER A. POPE
COLONEL CAROLYN J. PROTZMANN
COLONEL CARLOS E. RODRIGUEZ
COLONEL JOSE J. SALINAS
COLONEL WAYNE M. SHANKS
COLONEL WILLIAM H. SHAWVER, JR.
COLONEL JAMES C. WITHAM
COLONEL SALLIE K. WORCESTER
COLONEL WANDA A. WRIGHT
COLONEL WAYNE A. WRIGHT

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 admiral

ADM. JAMES G. STAVRIDIS

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. ANN E. RONDEAU

DISCHARGED NOMINATIONS

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT.

KRYSTA HARDEN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

RAJIV J. SHAH, OF WASHINGTON, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.

PEARLIE S. REED, OF ARKANSAS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Tuesday, May 12, 2009:

DEPARTMENT OF HOMELAND SECURITY

WILLIAM CRAIG FUGATE, OF FLORIDA, TO BE ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

ENVIRONMENTAL PROTECTION AGENCY

CYNTHIA J. GILES, OF RHODE ISLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

MATHY STANISLAUS, OF NEW JERSEY, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY.

MICHELLE DEPASS, OF NEW YORK, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF HOMELAND SECURITY

JOHN MORTON, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted Committee of the Senate.

DEPARTMENT OF AGRICULTURE

DALLAS P. TONSAGER, OF SOUTH DAKOTA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT.

KRYSTA HARDEN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.

RAJIV J. SHAH, OF WASHINGTON, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.

PEARLIE S. REED, OF ARKANSAS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE.