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## Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

### PRAYER

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

Let us pray:

Holy God who inhabits eternity, lead our lawmakers with Your might. Help them to not run ahead of You or ignore Your wisdom. Lord, restore their spirits with trust and hope and order their steps toward Your desired destination. Keep them calm in the quiet center of their lives so that they may be serene in life's swirling stresses. Fill them with the peace that comes from keeping their focus on You. Help them to listen to others as attentively as they want others to listen to them.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH 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 following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, April 27, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

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

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

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business until 4:20 today, with Senators to be allowed to speak for up to 10 minutes each.

We moved the vote to 5:20 for a couple of Senators. No one will miss the vote. We will act as if the vote started at 5:30 rather than 5:20.

Following morning business, the Senate will resume consideration of the Fraud Enforcement and Recovery Act. At 5:20, there will be a vote on cloture in relation to that legislation. Under an agreement we reached on Thursday, if cloture is invoked all pending amendments will be disposed of and the vote on passage of the bill will occur at noon tomorrow. All pending amendments are not germane to the bill and therefore all fall under rule XXII, if cloture is invoked.

### MEASURES PLACED ON THE CALENDAR—S. 895, S. 896

Mr. REID. Mr. President, there are two bills at the desk due for a second reading, I am told.

The PRESIDING OFFICER. The clerk will read the titles of the bills the second time.

The legislative clerk read as follows:

A bill (S. 895) to prevent mortgage foreclosures and enhance mortgage credit availability.

A bill (S. 896) to prevent mortgage foreclosures and enhance mortgage credit availability.

Mr. REID. Mr. President, I object to further proceedings with respect to these bills, en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be placed on the calendar.

### FRAUD ENFORCEMENT AND RECOVERY ACT

Mr. REID. Mr. President, every day brings more bad news for American homeowners. In Las Vegas alone, 1 in every 22 families received a foreclosure notice between January and March. That is seven times the national average. All across the country, the numbers have skyrocketed since the beginning of the year. As foreclosures menace more and more hard-working homeowners, they become more desperate for help. Unfortunately, schemers, swindlers, and scam artists are all too happy to pounce. Just today it was announced that the Justice Department charged five people in Maryland with orchestrating a massive and complex mortgage fraud scheme. The company cheated more than 1,000 people out of more than \$70 million. There would be more of these cases filed if the authorities had more resources to do so.

This week, we are going to vote on the Fraud Enforcement and Recovery Act. This bill provides critical funding and new tools to let law enforcement prosecute and punish those responsible for the mortgage and corporate frauds that have hurt countless hard-working Americans and led to the worst financial crisis in decades. Passing this bill

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



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will be a crucial step toward deterring the types of financial fraud and illegal manipulation of markets that are the root cause of the current economic crisis.

Law enforcement agencies charged with protecting the American people from financial fraud are chronically understaffed. These agencies are in desperate need of personnel to help them because these schemes, such as the one I mentioned in Maryland, are ones where people have to be involved. You just can't do this working out of some office. We need investigators, we need prosecutors, we need personnel with specialized knowledge who can investigate and prosecute complicated money-laundering schemes, mortgage fraud, and conspiracies to manipulate derivatives. The Fraud Enforcement and Recovery Act will give the FBI, the Department of Justice, and other Federal agencies the resources to hire the help they need to protect American investments. It will also close several legal loopholes that otherwise may allow individuals guilty of criminal conduct to evade prosecution. Individuals who have engaged in corruption or deliberate criminal behavior should not be able to escape punishment on a technicality.

This bill would update Federal fraud statutes to include mortgage lending businesses that are not directly regulated or insured by the Federal Government. Although these companies were responsible for nearly half of the residential mortgage market before the economic collapse, they have remained largely unregulated. It would also protect the funds provided under the economic recovery plan and the Troubled Asset Relief Program and swiftly punish anyone who would attempt to misuse this money.

Finally, this bill will strengthen the False Claims Act, one of the most important civil tools we have for rooting out fraud in Government. In the last few months, we have taken strong steps to steer the American economy toward recovery, but we must do more. We must ensure that the money we are spending to get our economy back on track is used in the manner in which we intended it.

The American people are depending on us to act quickly to ensure that those whose criminal behavior caused the current financial crisis are brought to justice and to ensure law enforcement has the tools and resources to deter such conduct in the future. We cannot allow con artists to cheat working families who play by the rules. We cannot allow them to deceive those who make an honest living. We cannot let them steal from people who seek nothing more than their fair share of the American dream.

I would like to spread across the record here what terrific work Senator LEAHY, the chairman of the Judiciary Committee, has done—and members on his committee. This is important legislation. The wise nature of Senator

LEAHY and his experience have allowed this bill to be reported out of that big committee, and it is going to pass tomorrow. I commend and applaud Senator LEAHY for his good work. It is something the country has badly needed. It is long overdue, but it is certainly ripe for passage now.

I urge my colleagues to support the Fraud Enforcement and Recovery Act and protect struggling homeowners at the time they need it the most.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

#### U.S. FOREIGN POLICY

Mr. MCCONNELL. Mr. President, America faces many serious challenges, not only at home but abroad. I was reminded of that fact in a vivid way during my own recent trip to Iraq and to the broader Middle East. I was reminded of it as I followed, with great interest, the President's recent trips to Europe and South America as well as some of his recent decisions relating to the shape and spirit of U.S. foreign policy.

What these trips and decisions have shown many of us is that looking forward we would do well to reaffirm some basic foreign policy principles that have served America well in the past; namely, that our security and our prosperity rely on a strong national defense, both militarily and with regard to the gathering of intelligence, and that America must honor its commitments to allies and alliances. This afternoon, I would like to take a few moments to explain why these principles are so important. I would also like to outline a few of the areas where I agree and where I respectfully disagree with the foreign policy decisions the new administration has made.

I will begin with the praise. In my view, the President admirably followed the principle of maintaining and employing a strong defense when he accepted the advice of his military commanders to withdraw U.S. troops from Iraq based on conditions on the ground, not political calculations. He followed this principle again by pursuing in Afghanistan the same counterinsurgency strategy that has worked in Iraq. The administration deserves credit for both decisions. I have not been hesitant in giving it that credit.

The next step, of course, is to keep our forces ready. In order to do so, the Senate must pass the administration's supplemental spending request to train and equip the armed services. This is a spending request I will support.

Unfortunately, the administration erred when it selectively declassified a number of so-called CIA interrogation memos almost in their entirety. The choice on this issue was clear: Defend career intelligence professionals or reveal to al-Qaida terrorists the interro-

gation methods they can expect to face if captured.

The administration chose the latter. That was a mistake. It would also be a mistake for the administration to pursue or condone the kind of protracted investigation that some have proposed into intelligence-gathering efforts after the 9/11 attacks.

Some of the President's own advisers have warned that such an investigation would only serve to demoralize the intelligence community and, therefore, weaken its ability to protect the American people. Moreover, the President himself has repeatedly said America must use all the tools in its arsenal addressing problems we face, including, presumably, the ongoing threat of Islamic terrorists.

Weakening our tools of intelligence through an investigation of the intelligence community and other key decisionmakers would, by definition, make that pledge impossible to fulfill. It would also serve to divide us, I fear, at a time when we must continue to present a united and determined front to our known enemies.

In my view, the Commander in Chief has an obligation to unify the country while we are at war and at risk. Looked at in this context, attacking each other on these issues is not only counterproductive, it is actually dangerous. It is important to remember we are still very much engaged in a global fight against terror, and as long as that fight continues, a strong, ready defense will require strong support for an intelligence community that is uniquely equipped to deal with many of the problems that arise in this fight.

At a time such as this, hampering the vital work of our Nation's intelligence professionals is exactly the wrong thing to do. I have already openly and repeatedly expressed my disagreement with the administration's approach on Guantanamo. Americans would like to know why they are preparing to transfer prisoners involved in the 9/11 attacks either to facilities that are outside our control entirely or here in the United States. They want assurances the next detention facility, or the country to which they are transferred, keeps them as safe as Guantanamo has.

So far, the administration has not been able to provide those assurances. Its only assurance is that Guantanamo will close sometime within the next 9 months. To achieve that goal, the administration has asked Congress for \$80 million in the upcoming supplemental war funding bill. In my view, Congress would be shirking its duties if it were to approve these funds one second—one second—before we know exactly what the administration plans to do with these terrorists.

News reports over the weekend suggest the administration is very close to announcing the release of a number of detainees into the United States, not to detention facilities but into the

United States, directly into our communities and neighborhoods right here on U.S. soil.

Virtually every Member of the Senate is on record opposing the transfer of detainees to U.S. soil, even if it only meant incarcerating them in some of our Nation's most secure prisons. We had that vote a couple years ago, 94 to 3. The presumption was that they would be coming to the United States and incarcerated, not free. The Senate expressed itself 94 to 3 against such a release.

Until these new reports emerged, no one had even ever contemplated the possibility of releasing trained terrorists into American communities. It never occurred to anyone. If the administration actually follows through on this shocking proposal, it will have clearly answered the question of whether its plan for the inmates at Guantanamo will keep America as safe as Guantanamo has.

By releasing trained terrorists into civilian communities in the United States, the administration will, by definition, endanger the American people. Moreover, by releasing trained terrorists into the United States, the administration may run afoul of U.S. law, something that was pointed out to us by the Senator from Alabama some weeks back. Many were unaware that such a release might actually violate U.S. law, and I believe the Senator from Alabama will have more to say about that shortly.

That law presumably would prohibit admission to the United States of anyone who has trained for, engaged in, or espoused terrorism. Before any decision is made that will affect the safety of American communities, the Attorney General needs to explain how his decision will make America safer and whether this decision complies with U.S. law.

I also disagree with the administration's recent pledge to ratify the Comprehensive Test Ban Treaty, a treaty that we have voluntarily abided by for years. Before the President rushes to fulfill this goal, America needs assurances that our nuclear stockpile is both reliable and safe. As our nuclear stockpile ages, the assurance becomes increasingly important. There are only two ways to ensure the safety of our nuclear stockpile: through actual tests or by investing in a new generation of warheads. At the moment, the administration is not willing to do either. When it comes to deterrence, this represents a serious dilemma.

As Defense Secretary Gates has said:

There is absolutely no way that we can maintain a credible deterrent and reduce the number of warheads in our stockpile without resorting [either] to testing our stockpile or pursuing a modernization program.

As we seek to keep our defenses strong, we must also be careful to keep our commitments to our allies and friends, particularly in the Middle East and in NATO. After all, what good is an alliance if one of its members cannot

be trusted to uphold its end of the bargain. If America cannot be expected to keep its word, we cannot expect others to keep theirs.

Now, our NATO allies need to know we will not walk away from missile defense or rush to reduce our own nuclear stockpile in the misguided hope of securing a promise of cooperation from Russia with respect to Iran. The notion that the key to containing Iran lies with Russian cooperation is not new. But it has repeatedly proven to be futile. The previous administration pursued the path of cooperation in the form of the Nuclear Cooperation 123 Agreement, and Russia did not end its arms sales to Iran as a result.

I might add, that treaty was subsequently withdrawn. We should learn from our mistakes, not repeat them. This means that as we engage the Russians, we must also do so as realists. The newer members of the NATO alliance must know the United States will not help Russia carve out a new sphere of influence in the 21st century to match the one it had in the second half of the 20th century.

The administration should be equally realistic in its dealings with Iran. It must make perfectly clear that pursuit of nuclear weapons is unacceptable. This means explaining to our friends and to our foes that the pursuit of such a program will have consequences. Israel and a number of moderate Arab regimes have all risked a great deal in confronting Islamic extremism. We need to assure every one of them that the administration's negotiations with Iran will lead to real results.

The challenges we face abroad will require much patience and endurance, as they always have. Efforts to improve our image abroad are a part of that. But we should not overvalue the power of personal diplomacy in overcoming problems that have been with us for years. We saw this recently with Iran. In response to the administration's offer of a new era of engagement that is honest and grounded in mutual respect, Iran convicted an American journalist to 8 years in jail after a secret trial and accused the United States in an international forum of conspiring to create Israel on the "pretext of Jewish sufferings."

The administration offered respect, and Iran responded with contempt. Iran continues to fund terrorist organizations such as Hezbollah and Hamas, and there is little evidence that any incentive can keep the Supreme Leader of Iran, Khamenei, from pursuing a nuclear weapon.

Iran must be deterred.

Then there is Cuba. In response to the administration's proposal for a "fresh start" in our relations with Communist Cuba, Fidel Castro said the new administration had confused his brother Raul's reaffirmation of the Cuban Revolution and its principles for an openness to discussing Democratic reform.

As far as fresh starts go, this was not particularly encouraging to me, nor

was it likely to encourage the 11 million Cuban citizens who continue to be denied any basic human right, the thousands of Cubans who, according to the State Department, are forced to serve jail sentences without even having been charged of a specific crime or human rights advocates who face arbitrary arrest, detention, and the denial of a fair trial.

What about Venezuelans who face arbitrary arrest and detention and who cannot expect a fair trial? It is unlikely they would cheer by the new administration's warm embrace of a man who oppresses them. Imagine the signal this sends to those in Venezuela and throughout the world who are fighting for the freedom and Democratic reforms and who expect the United States to defend and to protect their efforts in our dealings with friends and foes alike.

Similarly concerning is the increasing reliance on special envoys. The administration has rushed several of those envoys, all fine public servants, to foreign capitals. Yet none of them were subject to Senate confirmation or are answerable in any way to Congress. I see by the morning paper they require considerable staff.

These envoys face significant challenges, from divides among the Palestinian people to the growth of the Taliban inside Pakistan. During their negotiations, these envoys are likely to make commitments that Congress will be expected to fulfill or fund, but Congress cannot be expected to simply hand out funds to support negotiations we know nothing about. These special envoys should be accountable to Congress.

Every American President from George Washington to the current day has struggled to balance America's interests with its ideals. This is something Americans have long accepted. But the rush to initiate fresh starts with old adversaries or to find quick solutions to the many complex problems we face is not always advisable when it comes to advancing our long-term interests or in preserving and strengthening alliances or our relationships with allies.

Republicans will have many reasons to stand with the President in the months and years ahead. But we will not be reluctant to remind them of some of the principles that have served us well in the past or to speak out against decisions with which we respectively disagree.

As we wage two wars overseas, we must be sure to maintain strong relations with our allies.

Some days they will need us. Some days we will need them. But in a dangerous world, these vital relationships must be preserved. We must also preserve the dominance of the U.S. military in the near term and in the long term. And any arms control agreement sent to the Senate must be verifiable and clearly in the national interest.

These are principles all of us should agree on and all of us should be eager

and able to defend. Our allies deserve to know that we will be guided by them, and so too, I believe, do the American people.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business until 4:20 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

The Senator from Alabama.

#### CONCERNS ABOUT RELEASE OF GITMO DETAINEES

Mr. SESSIONS. Mr. President, I thank Senator MCCONNELL for his leadership on the issue of securing the peace and security of the United States of America and the challenges we face in this very difficult world. I am pleased it was he who offered a resolution not long ago that passed 94 to 3 to say that those terrorists we have in Guantanamo should not be released into the United States. It passed this Senate 94 to 3.

So I was alarmed on Friday to see a report in the Los Angeles Times by Julian Barnes, the first line of which said:

The Obama administration is preparing to admit into the United States as many as seven Chinese Muslims who have been imprisoned at Guantanamo Bay in the first release of any of the detainees into this country, according to current and former U.S. officials.

The Times report was followed by an Associated Press story over the weekend entitled "Holder Close to Making Decision on Gitmo Detainees"—Holder being Attorney General Eric Holder—which detailed an emerging plan to release a group of Uighurs held at Guantanamo into the United States, possibly northern Virginia.

Three weeks ago, on April 2, 2009, I wrote the Attorney General. I am a member of the Judiciary Committee, and I served in the Department of Justice for 15 years. I wrote Mr. Holder on exactly this issue, to explain my concerns about the serious national security and legal issues raised by any proposed release of Guantanamo detainees. In my letter I explained that the 17 Uighur detainees currently held at Guantanamo "received military training, including firearms training, in terrorist camps in Afghanistan for potential terrorist actions against Chinese interests."

I further explained that Federal law, specifically title 8 United States Code section 1182(a)(3)(B), clearly prohibits the admission of any alien—and they

are all aliens—who has engaged in various forms of terrorist activity or training, including military type training "from or on behalf of any organization that, at the time the training was received, was a terrorist organization."

The Uighurs at Guantanamo received military training, including on AK-47s, at camps run by the Eastern Turkistan Islamic Movement, which has been designated as a terrorist organization by both the United States and the United Nations since 2002. Accordingly, under the clear letter of Federal immigration law, these detainees are not eligible for admission into the United States. In my letter I called upon the Attorney General, whom I supported for that job and have respect for, to explain "what legal authority, if any, you believe the administration has to admit into the United States Uighurs and/or any other detainee who participated in terrorist-related activities covered by Section 1182(a)(3)(B) [of the federal immigration law]." He has not responded in any way. I am a member of the Judiciary Committee. That was a respectful and proper request I made. I have not heard from him at all. Yet we are reading in the paper that there is a plan afoot to allow this release.

The current stories in the Times and the Associated Press suggest that the administration is knowingly and willfully acting contrary to law and to the will of Congress and doing so on a matter that is directly at odds with our Government's obligation to keep America's communities safe from dangerous terrorists and militants.

Let me say, the Attorney General has a responsibility to uphold the law and protect civil rights. But I would say this, the primary responsibility of the Attorney General of the United States is to ensure that decent people who follow the law are protected from criminals and terrorists and those who would do them harm. If he is not the one who is going to lead the effort to protect us from those who would harm us, who is? Sometimes I wonder what they think their goal is.

So some will claim that the Uighurs held at Guantanamo are not dangerous because the courts and previous administrations agreed that these individuals are not enemy combatants against the United States. But this argument overlooks the fact that the Uighurs aren't deemed enemy combatants against the United States because the organization they were affiliated with, the Eastern Turkistan Islamic Movement, is not closely associated enough with al-Qaida or the Taliban to justify that determination. But make no mistake about it, these detainees are trained militants with ties to a terrorist organization, albeit one targeting Chinese interests rather than American interests. They should not be ushered into American communities by this administration.

The Los Angeles Times story from last week illustrates the danger these detainees pose:

Not long after being granted access to TV, some of the Uighurs were watching a soccer game. When a woman with bare arms was shown on the screen, one of the group grabbed the television and threw it to the ground, according to the officials.

According to the news story, the officials at Guantanamo had to censor the TV shows and showed only pretaped programs that wouldn't offend the Uighurs. If these detainees cannot handle mere televised depictions of Western culture without violent outbursts, why are we releasing them into our towns and communities? Even though this seems like an obvious question, this administration seems to have little concern over it. Rather than sounding alarm bells, the Director of National Intelligence Dennis Blair proposed releasing the detainees with some form of welfare subsidy. In comments in March, Admiral Blair agreed that "[y]ou can't just put them on the street." But his solution was not to continue detention or to release detainees to their home countries or to China, which wants them. Rather, he said, "If we are to release them in the United States, we need some sort of assistance for them to start a new life."

So this administration seems more concerned about the welfare of the dangerous militants, frankly, than it does about the real safety concerns of the American people and of the views of the citizens of our country who, by overwhelming polling data, oppose the release of these Guantanamo inmates into the country. According to an April 3, 2009 Rasmussen Reports survey, 75 percent of U.S. voters oppose the release of Guantanamo inmates into this country. A similar number—74 percent—oppose providing public assistance to any Guantanamo detainees who might be released.

So what is surprising about the recent news reports about the possible release of Guantanamo detainees is that they come on the heels of another announcement earlier last week which made me think the Obama administration was coming to understand the dangerous nature of the Eastern Turkistan Islamic Movement. This past Monday, April 20, 2009, President Obama's Treasury Department issued a release listing Abdul Haq as a designated terrorist. This announcement, which follows on the heels of a similar announcement from the United Nations, is significant for three key reasons, as well as a fourth reason that relates directly to the Uighur detainees:

Abdul Haq is the leader of the Eastern Turkistan Islamic Movement.

Abdul Haq was listed as a ringleader in planned attacks on the Olympic games in China.

Abdul Haq is listed as a member of a council within al-Qaida. He is connected to al-Qaida.

Perhaps most importantly, Abdul Haq is directly tied to the Uighur detainees held at Guantanamo Bay. According to a recent article by Thomas Jocelyn, who published a series of excerpts from the Combatant Status Review Tribunal proceedings for the

Uighurs at Guantanamo, the detainees, one after another, testified that they were trained by none other than Abdul Haq who "was the one responsible for the camp." So just as these detainees testified that Haq ran the camp and led their training, they, time and again, admitted to training on what they referred to as "the AK-47" or "the Kalashnikov."

It is unbelievable to me that we are talking about releasing these dangerous detainees into American communities, despite the fact that they received military-style training on AK-47s in a camp run by a known terrorist and terrorist organization, both of which are designated as such by the United States and the United Nations. And the administration is doing so just one week after it denounced the man who trained the Uighur detainees in the following clear words. This is what the Treasury Department said:

Abdul Haq commands a terror group that sought to sow violence and fracture international unity at the 2008 Olympic Games in China. Today, we stand together with the world in condemning this brutal terrorist and isolating him from the international financial system.

So within a week of our Government seeking to condemn and isolate "this brutal terrorist," the administration is planning to turn loose his pupils into the United States.

There was a time not long ago when no Senator would need to come to the floor to explain that it is dangerous and unlawful to release extremist militants trained by terrorists into the United States.

Why would we release them here? We captured them on the battlefield. We took them to Guantanamo. Now we are going to release them. China would like to have them back. They are rightly concerned about the people who attempted to bomb the Olympic games. We don't have to release them here. We don't have to release them.

Well, according to the press reports I have cited, the administration is planning to release the Uighur detainees to gain favor and "generate good will" with foreign governments. Now we understand, according to the Associated Press, Mr. Holder is in Europe where he is "to reassure skeptical Europeans without generating too much opposition back home."

That is an uneasy statement for me. That sounds a little duplicitous to me, for an Attorney General to be in Europe where he is "to reassure skeptical Europeans without generating too much opposition back home." I suggest he needs to be focused on security in the United States. I think we need to consider why it is we feel that a nation we have favorable trade relations with, China, which successfully conducted Olympic games, isn't able to detain people who are committed to a group that was designed to attack those games.

If another country captured terrorists who were attacking the United

States—and we would like to have them and hold them in custody—let me ask, what would we think if they released them into their communities and gave them subsistence and payments from the government? Wouldn't we think that government was aiding terrorism?

How did we get into this position? I do not think the administration has thought this through. There is no question China has certain well-known problems with human rights, and I have been one of their critics. But are those problems any worse than the problems in Yemen, Algeria, Libya, Sudan, and Saudi Arabia—all countries to which the United States has returned Guantanamo detainees? What message is our government sending here, and what will be the repercussions? Have any of these questions been seriously considered?

I call on Attorney General Holder to answer my letter of April 2 well before he plans to release any of these militants onto the streets of America. If he is able to travel halfway around the world "to reassure skeptical Europeans," perhaps he can answer a simple, direct, two-page letter from this skeptical Senator.

We know as many as 60 former Guantanamo Bay detainees who were released overseas have returned to the battlefield, including some in senior roles with al-Qaida. That stark reality is why the Senate voted 94 to 3 to support Senator McConnell's resolution that concluded with these words:

It is the sense of the Senate that detainees housed at Guantanamo Bay, Cuba, including senior members of al Qaeda, should not be released into American society, nor should they be transferred stateside into facilities in American communities and neighborhoods.

I note that now-Vice President BIDEN and now-Secretary of State Hillary Clinton—Members of the Senate then—voted for the resolution. Then-Senator Obama did not. He was not voting. But he has made statements that indicate he understands the dangerousness of these individuals. I suggest that he give more thought to those words he has previously issued and that he follow the law, the plain law as I see it, and not release any of them into the United States.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, it is my intent to take a very few minutes. We are speaking in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. Thank you, Mr. President.

#### CATASTROPHE INSURANCE

Mr. NELSON of Florida. Mr. President, what do Florida, Louisiana, Texas, and California all have in common? Aside from all being Sunbelt

States, each of these States is subject to a natural catastrophe event. We have certainly seen that in the case of hurricanes in Florida and Louisiana and Texas, and we know of it with the Northridge earthquake in the case of California.

Each of these States approaches their homeowners insurance in a different way. But, increasingly, States are moving to a position whereby a quasi-government reinsurance company is set up—in the case of Florida, it is the Florida Hurricane Catastrophe Fund—that, in effect, reinsures private insurance companies in order to induce them to continue to sell insurance in the marketplace.

So the insurance companies, instead of going out onto the world markets to get reinsurance—that is, insurance against catastrophe—instead, or in addition to, go to a creature, in Florida's case called the Florida Hurricane Catastrophe Fund.

The problem is that each of our States—Florida and Texas and California and Louisiana—that are each facing this potential megacatastrophe event—hurricane or earthquake—find it increasingly difficult to buy reinsurance at an affordable rate. Indeed, some of the reinsurance cannot be provided for, even if you go out and try to prearrange a bond issue, given the fact of these markets that are very uncertain now about being able to obtain a bond issue, and that uncertainty is causing a great deal of turmoil for a State to know that it can cover the losses if a major catastrophe hits.

What I am introducing today—and I will be joined by Senators from Texas, California, and Louisiana, and will ultimately invite all of the Senators from the States on the Atlantic seaboard and the gulf coast, as well as other earthquake-prone areas, such as Memphis, TN, which has one of the major fault lines in the country running through it and would be a potential major catastrophe because of all the gas lines that run from the Texas and Oklahoma well fields all the way to New York and to New England—it would be a major catastrophe if an earthquake hits; and that is one of the fault lines—so what this legislation will do is provide a backup for the State catastrophe funds by allowing them to have the assurance that when they go into the private marketplace—to float bonds, to pay off claims after the disaster has hit—that they will be able, even in these uncertain times of the economic markets, to sell those bond issues because they will have a U.S. Government guarantee.

You might say: Well, why would we want the Federal Government to guarantee those? Well, clearly it is in the interests of the Federal Government because these are only going to be guaranteeing public organizations that are an arm of the Government and that are run by members of a board that indeed are public officials, and it will actually end up saving Federal tax dollars.

You might say: Why in the world? If the Federal Government is going to guarantee a bond issue, that has a certain cost to it. It does. But this is how it saves the Federal Government money: Because at the end of the day, when the natural disaster strikes, guess who is going to pay for it. It is going to be the Federal Government. So if a large part of those payments has already been provided by private insurance, because we have enabled that through this catastrophe reinsurance fund, then that means that is an additional cost the Federal Government will not have to bear.

I remind the Senate that after Katrina struck New Orleans, that total tab is somewhere in the neighborhood of \$200 billion, and the Federal Government's share of that is well north of \$100 billion, or over half of the total cost. When the category 4 or 5 hurricane hits an urbanized part of the coast—be it in any one of our States—it is clearly going to be a major economic loss, of which the Federal Government is going to come in. If a lot of those damages have already been paid by private insurance, enabled by these reinsurance funds set up by the State governments—enabled because they have a Federal guarantee on the loans—then it ends up being a win-win situation.

Because my colleague from Tennessee is in the Chamber, I hasten to add that, of course, catastrophes are not just hurricanes, but some of the worse catastrophes that could happen are, in fact, earthquakes. An 8-point plus on the Richter scale earthquake, centered on a major metropolitan area, such as San Francisco or Memphis, TN, would be a cost well in excess of insurance losses, well in excess of between \$50 and \$100 billion.

This is a rational way through the private sector marketplace to approach that problem, and I commend to the Senate this bill that I introduce today, the Catastrophe Obligation Guarantee Act. I ask the Senate to favorably consider it.

Mr. President, I ask unanimous consent to have a Catastrophe Obligation Guarantee Act fact sheet printed in the RECORD.

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

COGA FACT SHEET: THE CATASTROPHE  
OBLIGATION GUARANTEE ACT  
WHY IT IS NEEDED

Many states have catastrophic natural disaster risk so large that the private markets simply can't insure it.

Residential property insurance is vital to post-disaster recovery, because it protects people's most valuable asset—their homes. But in the private insurance market, catastrophe coverage is often very expensive or simply unavailable—this can rob community recovery of much-needed resources.

To bridge this affordability/availability gap, California, Florida, Louisiana, and Texas have created public insurance or reinsurance programs.

These programs need substantial post-catastrophe capital to pay their claims, but for

public entities, the only available form of external capital is debt capital.

Sadly, in severely disrupted credit markets such as those that prevail today, even credit-worthy public entities can't raise enough debt capital to fully meet program needs.

The new COGA approach—Established programs in California, Florida, Louisiana, and Texas have a continuing common need for reliable, adequate private financing. They have come together to advance an innovative approach: Federal guarantees of the State programs' post-event debt. COGA will provide these State programs, and any other qualifying State program, with dramatically enhanced debt-market access, across all market conditions, at much lower borrowing costs.

WHAT IT DOES

COGA would authorize (at pre-set levels) Federal guarantees of State-program debt incurred to pay insured losses from major natural catastrophes.

COGA does not furnish Federal funds to State programs and does not make the Federal government a reinsurer of catastrophe risk.

Upon application by a qualifying State program, the Treasury provides a 3-year COGA guarantee commitment—this gives the State program vital certainty in planning its claim-paying capacity. States reconfirm their qualifications each year.

The guarantee is not actually issued until after an event (when a State program would go into the debt markets), and then solely to obtain funds to pay and adjust losses it cannot otherwise cover with existing resources.

To be eligible, State catastrophe programs must meet stringent criteria, including:

Public purpose and organization, including tax-exempt status, and a board composed of or appointed by public officials.

Proven ability to repay, and an actuarially sound rate structure.

States must have robust building codes and recognize loss-mitigation measures.

WHAT IT WILL COST AND WHAT IT WILL SAVE

Guarantees are only for public organizations with proven ability to repay their obligations.

Under COGA, the Federal government would make payments only in rare circumstances—it is a debt guarantee, not a direct loan. Guarantee fees cover COGA's administrative costs.

States without effective programs will want to form them—COGA-supported post-event funding will provide broad, sensible incentives to qualified State programs.

The COGA guarantees will save Federal dollars: When more people are covered by State catastrophe insurance, the Federal Government's post-event burden is greatly reduced.

Mr. ALEXANDER. Mr. President, I congratulate the Senator from Florida on his comments. He is exactly right, there is a major fault along the Mississippi River near Memphis, TN. There was a massive earthquake in the early 1800s that created Reelfoot Lake. The earthquake was so profound that the Mississippi River actually ran upstream in order to do that. One eyewitness to that was Davy Crockett, who was on a bear hunt that winter up in northwest Tennessee. He wrote about it in his autobiography which was intended to be his Presidential campaign autobiography. It never quite worked out. But we take it very seriously.

The University of Memphis has a center dealing with earthquakes. We will

be very interested in his proposal. I was glad to have a chance to hear about it.

NUCLEAR ENERGY

Mr. ALEXANDER. Mr. President, do you remember a few years ago when our Congress got mad at France and banned French fries in the House of Representatives cafeteria? We Americans have always had a love-hate relationship with the French, which is why it was so galling last month when the Democratic Congress passed a budget with such big deficits that it makes the United States literally ineligible to join France in the European Union.

Of course, we do not want to be in the European Union. We are the United States of America. But French deficits are lower than ours, and their President has been running around sounding like a Republican, lecturing our President about spending too much.

Now the debate in Congress is shifting to the size of your electric and gasoline bills and to climate change. So guess who has one of the lowest electric rates in Western Europe and the second lowest carbon emissions in the entire European Union. It is France again.

What is more, they are doing it with a technology we invented and have been reluctant to use: nuclear power.

Thirty years ago, the contrary French became reliant on nuclear power when others would not. Today, nuclear plants provide 80 percent of their electricity. They even sell electricity to Germany, whose politicians built windmills and solar panels and promised not to build nuclear plants, which was exactly the attitude in the United States between 1979 and 2008, when not one new nuclear plant was built. Still, nuclear, which provides only 20 percent of all U.S. electricity, provides 70 percent of our pollution-free electricity. So you would think that if Democrats want to talk about energy and climate change and clean air, they would put American-made nuclear power front and center. Instead, their answer is billions in subsidies for renewable energy from the Sun, the wind, and the Earth.

Well, we Republicans like renewable energy too. We proposed a new Manhattan Project, for example, like the one in World War II, to find ways to make solar power cost competitive and to improve advanced biofuels from crops that we do not eat. But today, renewable electricity from the Sun, the wind, and the Earth provides only about 1.5 percent of America's electricity. Double it and triple it, and we still do not have very much. So there is potentially a dangerous energy gap between the renewable energy we want and the reliable energy we need.

To close that gap, Republicans say start with conservation and efficiency. We have so much electricity at night, for example, we could electrify half our cars and trucks by plugging them in



while we sleep without building one new powerplant. On that Republicans and Democrats agree. But when it comes to producing more energy, we disagree.

When Republicans say build 100 new nuclear powerplants during the next 20 years, Democrats say, well, there is no place to put the used nuclear fuel.

We say, recycle the fuel—the way France does. They say, no, we cannot.

We say, how about another Manhattan Project to remove carbon from coal plant emissions? Imaginary, they say.

We say, for a bridge to a clean energy future, find more natural gas and oil offshore. Farmers, homeowners, and factories must have natural gas, and the oil we will still need should be ours instead of sending billions of dollars overseas.

They can't wait to put another ban on offshore drilling.

We say incentives.

They say mandates.

We say keep prices down.

Democrats say put a big, new national sales tax on electric bills and gasoline.

We both want a clean energy future, but here is the real difference: Republicans want to find more American energy and use less. Democrats want to use less, and they don't want to find much more.

They talk about President Kennedy sending a man to the Moon. Their energy proposals wouldn't get America halfway to the Moon.

We Republicans didn't like it when Democrats passed a budget that gave the French bragging rights on deficits, so we are not about to let the French also outdo us on electric and gasoline bills, clean air, and climate change.

We say find more American energy and use less—energy that is as clean as possible, as reliable as possible, and at as low a cost as possible, and one place to start is with 100 new nuclear powerplants.

Mr. President, I wish to ask unanimous consent that following my remarks an article from the Washington Post and an article from the Maryville ALCOA Daily Times be printed in the RECORD, which I will describe for a moment.

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

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, the article from the Washington Post is written by James Schlesinger and Robert L. Hirsch. James Schlesinger was the first Secretary of Energy, and he established the National Renewable Energy Laboratory. Robert Hirsch is a senior energy adviser today, and he managed the Federal renewable programs. Their article is entitled "Getting Real on Wind and Solar."

Here is the last paragraph of the article I am including:

The United States will need an array of electric power production options to meet its needs in the years ahead. Solar and wind will have their place, as will other renewables.

Realistically, however, solar and wind will probably only provide a modest percentage of future U.S. power. Some serious realism in energy planning is needed, preferably from analysts who are not backing one horse or another.

The other article from the Maryville ALCOA Daily Times on April 27—today—is from my hometown. This is my hometown newspaper, and it is about a plant that means a lot to me. It is an ALCOA plant—the Aluminum Company of America plant. My father worked at the south plant until he retired. I went to school on an ALCOA scholarship. During World Wars I and II, there were as many as 12,000 and 13,000 people in our east Tennessee area who worked at ALCOA with good wages. It changed the lives of three generations of families who lived there. It would have been impossible for us to have the good schools, the good jobs, the good communities we have had without the good wages paid by the Aluminum Company of America.

Here is the headline: "ALCOA hopes new power contract will bring smelting restart."

Ninety-five years after ALCOA Tennessee Operations fired up its first potline—

That is to make aluminum—

and seven weeks after the company shut down its last potline, the question remains: Will aluminum ingots ever roll out of the south plant again?

What will make the difference for these ALCOA plants that have provided good wages and good jobs to thousands of families in Tennessee? The price of electricity.

The newspaper says:

The deal that ALCOA is looking for is a long-range power contract with the Tennessee Valley Authority that will allow the Tennessee smelting operations to be cost competitive when metal prices rebound.

When we talk about electricity, the only cost some people talk about is driving up the cost so we will use less of it. That is the idea of a carbon tax. That is the idea of driving up the price of gasoline so people will buy less of it. But if we drive up the price of electricity in Tennessee—if TVA raises its prices to ALCOA—that plant will never reopen again and those hundreds or even thousands of jobs will never come back again.

I was visited recently by a number of big companies in Tennessee that are concerned about the price of Tennessee Valley Authority electricity. They say they may not be able to stay there unless it gets more competitive. Residential rates are relatively low—average to low—but rates for companies are not low. Ironically, we are celebrating in Tennessee the arrival of two big new industries which make polysilicon, which is the material that goes into the solar panels that you put on the top of your house. Those two new plants, one of which will go in Clarks-ville, TN, and one of which will go in Cleveland, will each use about 120 megawatts of power when they open. From the beginning, they will be

among the largest customers of the Tennessee Valley Authority for electricity. They will be using, as I said, 240 megawatts of low-cost, reliable electricity produced by coal, nuclear, and hydropower in our region. They could not rely on the one wind farm that exists in the Southeastern United States, which is in Tennessee and which only produces 5 megawatts of unreliable, expensive power—because the wind blows much of the time at night, when TVA already has 7,000 megawatts of extra power. So the solar plants that we need for the renewable energy of the future will have to rely today on coal, nuclear, and natural gas.

It is important, as we debate the so-called renewable electricity standard, as we talk about climate change and clean energy—and I have had legislation on those subjects every congress that I have been a Senator—to realize that cost is important if we don't want to keep jobs from going overseas and if we want people to be able to afford their electric bills. I mentioned that TVA's electric rates are average to low, but last December, 10 percent of the electricity customers of the Nashville Electric Service said they couldn't afford to pay their bills. When we come down here and start talking about proposals that are going to drive up the cost, and when we say we are going to deliberately drive up the cost, I think that is the wrong policy.

We are an inventive country. We can conserve. We can double the number of nuclear powerplants we have. We can double the energy research that we are doing on solar and other renewable energies, and we can do it with the objective of having low-cost electricity. That is the way to keep our jobs. That is the way to avoid poverty. That is the way to produce the largest amount of clean electricity for the future. We need a bridge to a clean energy future. Yes, of course, that includes renewable energy, but it is only 1.5 percent of what we have today. So to talk about driving the price up and relying on a national windmill policy, for example, to drive this big productive country is unrealistic.

I thank the President, and I yield the floor.

#### EXHIBIT 1

[From the Washington Post, Apr. 24, 2009]

#### GETTING REAL ON WIND AND SOLAR

(By James Schlesinger and Robert L. Hirsch)

Why are we ignoring things we know? We know that the sun doesn't always shine and that the wind doesn't always blow. That means that solar cells and wind energy systems don't always provide electric power. Nevertheless, solar and wind energy seem to have captured the public's support as potentially being the primary or total answer to our electric power needs.

Solar cells and wind turbines are appealing because they are "renewables" with promising implications and because they emit no carbon dioxide during operation, which is certainly a plus. But because both are intermittent electric power generators, they cannot produce electricity "on demand," something that the public requires. We expect the

lights to go on when we flip a switch, and we do not expect our computers to shut down as nature dictates.

Solar and wind electricity are available only part of the time that consumers demand power. Solar cells produce no electric power at night, and clouds greatly reduce their output. The wind doesn't blow at a constant rate, and sometimes it does not blow at all.

If large-scale electric energy storage were viable, solar and wind intermittency would be less of a problem. However, large-scale electric energy storage is possible only in the few locations where there are hydroelectric dams. But when we use hydroelectric dams for electric energy storage, we reduce their electric power output, which would otherwise have been used by consumers. In other words, we suffer a loss to gain power on demand from wind and solar.

At locations without such hydroelectric dams, which is most places, solar and wind electricity systems must be backed up 100 percent by other forms of generation to ensure against blackouts. In today's world, that backup power can only come from fossil fuels.

Because of this need for full fossil fuel backup, the public will pay a large premium for solar and wind—paying once for the solar and wind system (made financially feasible through substantial subsidies) and again for the fossil fuel system, which must be kept running at a low level at all times to be able to quickly ramp up in cases of sudden declines in sunshine and wind. Thus, the total cost of such a system includes the cost of the solar and wind machines, their subsidies, and the cost of the full backup power system running in “spinning reserve.”

Finally, since solar and wind conditions are most favorable in the Southwest and the center of the country, costly transmission lines will be needed to move that lower-cost solar and wind energy to population centers on the coasts. There must be considerable redundancy in those new transmission lines to guard against damage due to natural disasters and terrorism, leading to considerable additional costs.

The climate change benefits that accrue from solar and wind power with 100 percent fossil fuel backup are associated with the fossil fuels not used at the standby power plants. Because solar and wind have the capacity to deliver only 30 to 40 percent of their full power ratings in even the best locations, they provide a carbon dioxide reduction of less than 30 to 40 percent, considering the fossil fuels needed for the “spinning reserve.” That's far less than the 100 percent that many people believe, and it all comes with a high cost premium.

The United States will need an array of electric power production options to meet its needs in the years ahead. Solar and wind will have their places, as will other renewables. Realistically, however, solar and wind will probably only provide a modest percentage of future U.S. power. Some serious realism in energy planning is needed, preferably from analysts who are not backing one horse or another.

[From the Daily Times]

#### ALCOA HOPES NEW POWER CONTRACT WILL BRING SMELTING RESTART

(By Robert Norris)

Ninety-five years after ALCOA Tennessee Operations fired up its first potline and seven weeks after the company shut down its last, the question remains: Will aluminum ingots ever roll out of the South Plant again?

“For some, the question is not so relevant anymore. After the announcement that the

plant was being closed, more than 130 ALCOA employees accepted the company's severance package. Others were laid off—245 hourly workers and 80 of the salaried workforce.

The London Metal Exchange price for aluminum is half what it was one year ago, so prospects for any immediate change is nil. The demand for the 1.3 million pounds of molten metal that the smelting plant can produce does not exist in the current marketplace.

Still, leadership at the company is hopeful that when the economy rebounds, Tennessee Smelting Operations will be in a position to be restarted.

“We're in the standard, ready position,” said Brett McBrayer Tennessee Primary Metals location manager. “The employees have done such an incredible job of preparing the plant to have it in as much a ready state as possible.”

Cranes are being moved up and down to keep them operational, and preventive maintenance is being done so the plant will be prepared if and when the call comes to restart.

“I can't say enough about the employees. The way they faced the tough call and the way they responded says a lot about the character of the employees in this region. That drives me even harder in discussions with TVA to get a deal done,” McBrayer said.

The deal McBrayer is looking for is a long-range power contract with the Tennessee Valley Authority—the current contract expires next year—that will allow Tennessee Smelting Operations to be cost competitive when metal prices rebound. That has happened at ALCOA smelting plants in other regions where the company has negotiated more flexible prices with electricity suppliers.

“We've been in discussions with TVA for quite some time. It always seems more complicated than it needs to be, but there are a lot of issues,” McBrayer said. “The sooner we get a deal done, the stronger candidate we'll be for a restart. The longer negotiations drag out, it seems to become harder. An agreement can't happen soon enough.”

TVA issued a statement indicating its desire to reach an equitable agreement with the aluminum company.

“ALCOA has long been a valued customer of TVA's and we are working diligently to reach agreement on a long-term power contract for the future. While these contract negotiations are confidential, we are working to reach an agreement that will allow ALCOA to operate its Tennessee facility while, at the same time, not disadvantaging other Valley ratepayers,” said Jim Allen, a TVA spokesman.

Brickey Beasley, president of United Steelworkers Local 309, said he looks forward to the day the South Plant Smelting Operations reopens and also in maintaining the North Plant rolling mill. The Tapoco Division of ALCOA—the four-dam hydroelectric project on the Little Tennessee and Cheoah rivers—should give Tennessee Operations an edge over other locations, according to Beasley.

We hope that TVA can help out some and the economy can help some,” Beasley said. “We've got a great workforce that's idle right now.”

McBrayer, who is chairman of the Tennessee chamber of Commerce and Industry Board of Directors, said the impact of the shutdown goes beyond the employees immediately affected.

“Being from Blount county and this are a—recognizing the impact on East Tennessee—there's more than just the families impacted from the layoff. The impact multiplies exponentially,” Beasley said.

“Hopefully, when we obtain the power contract, it will just be a matter of waiting for the market to pick up again. The good thing about aluminum is that it is used in more and more applications. It's going to be around for a long time.”

#### GUANTANAMO BAY

Mr. JOHANNES. Mr. President, I rise to speak about the detainment facilities at Guantanamo Bay Naval Base.

At the end of January of this year, the President signed an Executive order indicating his intention to close Guantanamo. Unfortunately, the Executive order was very short on detail. We do know the Justice Department is reviewing the cases of individual detainees. We know the President would like to move these detainees somewhere else. Unfortunately, 3 months after the release of the Executive order, that is about what we know today.

If the President still plans to close Guantanamo Bay within a year, the clock is ticking, and we only have 9 months until the deadline laid out in the Executive order. Indeed, the President's supplemental request for Iraq and Afghanistan includes \$80 million to close Guantanamo. We know that \$30 million would go to the Justice Department to shut down the facilities, review detainee procedures, and to fund future litigation. The other \$50 million would go to the Department of Defense, primarily to support the transfer of the detainees and the associated personnel. However, we do not know—and neither does anyone else within the administration or outside it—where the detainees would go. I am troubled by this insubstantial approach and what appears to be a haphazard approach. This is a matter vital for national security.

Memories have dimmed and we forget the days surrounding September 11. We remember the day itself quite well—the shock in the morning—but we seem to forget the resolve that came after that. The resolve was born of our understanding that there was a global network of violent extremists with substantial international support dedicated to attacking the United States and its allies. Make no mistake about it, these terrorists are highly dangerous. By now, most Americans are probably familiar with the name Khalid Shaikh Mohammed. He is a Guantanamo resident. Before his capture in 2003 and later transfer to Guantanamo, he was one of al-Qaida's top agents and mastermind behind the September 11 attacks. I believe this man belongs in Guantanamo. With his contacts and his terrorist expertise, he would be a menace to the United States and its allies should he ever be set free.

But he is only the operational face of this contagion. Also in custody at Guantanamo is Ramzi Bin al-Shibh, a lead operative in the September 11 plot. This terrorist could not obtain a U.S. visa to get into this country. That



made it impossible for him to participate in the attacks directly. He was forced to remain in Germany where he lived as a student. However, this did not stop him from acting as a primary communications liaison between the U.S.-based hijackers and the al-Qaida management in Afghanistan and in Pakistan.

Shortly after the September 11 attacks, he arrived in Afghanistan where he was forced to flee when the Taliban fell. He was apprehended in 2002 and eventually transferred to Guantanamo.

Terrorism runs in this family. His uncle is Khalid Shaikh Mohammad, mastermind of the 9/11 attacks. His cousin is presently incarcerated for his participation in the 1993 World Trade Center bombing event. He served as a travel and financial facilitator for the 9/11 terrorists and helped al-Qaida members escape from Afghanistan after the fall of the Taliban. From 2002 to 2003, this individual prepared al-Qaida members for travel to the United States and later plotted attacks against Western targets in Karachi.

A different detainee at Guantanamo was involved in plotting to kill the Philippine Ambassador to Indonesia, as well as attacks on a series of Indonesian churches on Christmas Eve in the year 2000. Most famously, this terrorist helped plan the Bali bombings, in October of 2002, which killed over 200 people, including several Americans.

Another notorious face residing at Guantanamo was the head of al-Qaida operations in the Arabian Peninsula. This terrorist saw combat within various insurgencies and later with the Taliban before being instructed by Osama bin Laden to focus on terrorism in Yemen. He followed bin Laden's orders. In 2000, he successfully coordinated the attack of the USS Cole in the Yemeni Port of Aden. That attack killed 17 American sailors.

The Cole attack is the most well-known event in this individual's long career of terrorism, but it doesn't stop there. He has a resume of attacks. He coordinated efforts to kill U.S. personnel in Saudi Arabia. He planned car bomb attacks and assaults on oil tankers. He was also involved with a plot to crash a plane into a Western naval vessel in the UAE.

In 2002, however, he was captured and ultimately sent to Gitmo.

These extremists are part of the al-Qaida A-Team of terrorists; and they have no business being released or transported to American soil.

I describe these individuals today to put a face on this debate.

The al-Qaida members detained in Guantanamo are the worst of the worst. They are unrepentant, they are unpredictable, and are still dangerous.

So, if not Guantanamo, where should these unrepentant terrorists reside?

One option would be for our international allies to help with their detainment.

I know that the administration has been trying to persuade the Europeans

to accept custody of some of the detainees. Attorney General Holder is in fact discussing this issue with European officials this week.

On Wednesday, he will be making a speech in Berlin about Guantanamo, and I hope he has some good news. Unfortunately, there has not been much to date.

When the President met with European leaders in early April, he also asked for help in resettling the detainee. They agreed to help—with one.

We should perhaps count that as a victory, since many national leaders have said thanks but no thanks or remained completely noncommittal.

For example, Austria's interior minister has rejected accepting detainees flat-out. I am not surprised. Despite all the international angst about Guantanamo, most nations recognize that these detainees are very dangerous to free people.

Our time is not unlimited, since the administration's self-imposed January 2010 deadline for transferring these individuals is coming closer. In the absence of radically increased international cooperation, the administration will thus be forced to release the remaining detainees or keep them on U.S. soil.

And those are possibilities that I, like many Nebraskans, am particularly concerned about. Two of the sites being considered are Fort Leavenworth in Kansas, and the United States Penitentiary Maximum Security facility in Colorado, known as ADX Florence. Both are far too close to Nebraska for comfort—both within 250 miles of my home State of Nebraska.

This is likely a non-starter with my constituents, and for good reason. Thus, last week, I sent a letter to Attorney General Holder asking to be informed if any of the detainees were to be moved within 400 miles of Nebraska.

I will not allow my home State to be endangered by the proximity of unrepentant al-Qaida terrorists. Other Senators and their constituents are likely to have similar concerns.

In 2007, the Senate rejected moving Gitmo detainees to U.S. soil. The Senate spoke loudly and clearly in an overwhelming 94-3 vote against moving Gitmo prisoners to our shores or releasing them into our society. I do not believe the sentiment in this body has changed today.

The last option that I will mention—releasing them into the American population—seems unthinkable, if not absurd. However, if they are transferred into the American judicial system, their release is a possibility. This option is simply unacceptable.

The \$80 million requested by the administration to close Guantanamo, and the executive order signed to that effect, are troubling.

In a dangerous world, facilities such as those at Guantanamo are a necessity that we cannot change simply by waving a magic wand and wishing it so.

With about 270 days left before its proposed closure date, it is clear the administration still has no plan for its demise.

That is a gamble that the American people cannot afford.

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

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

#### CREDIT CARD INTEREST RATES

Mr. SANDERS. Mr. President, I wish to take just a very few moments to speak about an issue I think is resonating and causing great concern all over our country; that is, the outrageous escalation in credit card interest rates.

I note that the House and the Senate will soon be addressing the issue of credit cards, but I hope very much that both bodies will include within their legislation something that is long overdue; that is, a cap on interest rates. We need a national usury rate law. It is totally unacceptable to me—and I think the vast majority of the people in our country—that credit card companies are charging people 25, 30, and 35 percent rates of interest on their credit cards. This is usury. This is wrong. From a biblical perspective, this is immoral, and it is time we got a handle on it.

The truth is that a number of years ago, many States had usury laws which prohibited very high interest rates. As a result of a Supreme Court decision, those State laws were essentially made null and void and companies that moved to States such as South Dakota and Delaware could essentially charge the American people any rate they wanted. Within the last 20 years, we have seen a huge increase in interest rates. About one-third of the American people are paying 20 percent or more. It is time we got a handle on that issue.

What I would like to do this afternoon, very briefly, is read some of the e-mails that are coming to my office from the State of Vermont but, in fact, from all over this country. On late Friday afternoon, I sent out an e-mail to our e-mail list, and within 2 days' time we have had 900 responses from people who have expressed to me what is going on in terms of their relationship with their credit card companies. The stories I am hearing are absolutely appalling—in some cases, unbelievable. What is particularly disturbing is that at a time when the taxpayers of this country have provided hundreds of billions of dollars to bail out failing financial institutions—which, because of their greed, their recklessness, and their illegal behavior, caused them to collapse—these same financial institutions are now saying to the taxpayers

who bailed them out: Thank you very much; now we are going to raise your interest rates substantially.

So what I will be doing in the coming weeks is coming here to the floor and reading stories from Vermont and from all over this country. Let me start off with one that comes from Poultney, VT. This is what the gentleman says:

I owned and operated a summer business in excess of 43 years. My business credit card was with Avanta at 7.9 percent for years. Last year, my payment jumped about \$400 per month. I thought there was fraud involved. Upon checking, I found my interest had been raised from 7.9 to 28.8 percent. I always paid more than the minimum and always on time. When Avanta was contacted and asked why, I was told it's a floating interest. I asked to speak to a manager and was advised that's the way it was and they could do nothing to lower it. I got a line of credit loan from Heritage credit union at 1 percent over prime, paid them off, and shut down my business. After 43 years of business, it took usury to shut me down.

That is just one story.

Somebody writes from Virginia—the State of our Presiding Officer—and says:

Explain to me, do the banks/credit card companies feel that the only way to make money is to cheat us or manipulate us into taking part in an endless Ponzi scheme? How much profit is to be expected in an honest deal? Even 15 percent seems high to me.

This goes on, Mr. President. We have one from Barre, VT:

I only have one thing on my credit card every month. It is the Internet access charge of \$10.95. My credit card is a Visa from Capital One. I received a letter stating that the rates were almost double what I agreed to pay if a payment was late, but it also stated if I did not agree to their term, they would cancel my credit card. Let's not only do something about credit card fees, let's stop banks in their tracks with all fees they access on customer accounts they have.

From Castle Rock, CO, another individual writes:

I have excellent credit. Nearly 780 last time I checked. I had a "fixed" interest rate with Capital One at 4.9 percent since 2002. In 2007 the rate was raised to 7.9 percent. I received a letter in early April of this year that it will rise to 17.5 percent for no particular reason, except that it was a company decision. I am outraged! This is really unfair for everyone but I think especially unfair for those who really pay attention to maintaining good credit.

That person had a 780 credit number, which is very good.

Here is one from Bennington, VT:

I'd been on time every month and one day I got my statement and wow my interest rate had more than doubled. I called and they did put it back to the rate I had and said it would be good for only 9 months and then they would up it again and I would have to call again. This is hard for the families who aren't using their credit cards anymore and they are on a budget and factor in the credit card payment, and then all of a sudden one month it's gone up a lot and you didn't factor that in.

Wilder, VT:

I am tired of being the one who has to pay! The executives of these credit card companies mess up and the little people pay. The government messes up and the little people

pay. Now my oldest child is going off to college and I can't even get financial help except for loans. Yes, more interest. So now I have to pay more interest on my credit cards. When will I get help? I pay my bills, I pay my taxes. If I pay late I get a finance charge and it hurts my credit rating. When these big companies fall behind, they get my tax money, and I get to pay it back for them.

This is from Bridport, VT:

On my Bank of America cards I made purchases at 9.9 percent which was not a variable rate. I assumed I had that interest rate because I have never had a late payment and have never made just the minimum payment. This month I received notice that my interest rate is going to jump to 15.65 percent and be a variable rate. I do have steady income and I don't want to damage my credit rating by paying the balance off in a few months then cancel the card.

Here is another, from West Burke, VT:

My husband sustained severe brain trauma in 2000. We managed to not file bankruptcy and to pay off all credit cards. I now find that we were idiots to do this. Our credit is ruined, because we paid any credit card debt we owed.

Here is one from Little Rock, AR:

I am 67 years old and had the card since the year of the flood. I was on vacation and out of the country and did not make my card payment on time. I had always kept my account up. When I went to charge a flight on line it was denied. I called them and they replied that since I was a "late payer" I had to pay off my account every 30 days as it used to before they allowed extended payments for large purchases. I paid off the card that day and cut up the card.

From West Newberry, VT:

I send my payment by mail and sometimes the postal service is slow and the card company got payment one day late and has changed my interest rates from 16 percent to 29.9 percent, and now if I pay the minimal payment the charges are more than what I paid on the bill.

One day late, and their rate went from 16 percent to 29 percent.

As I mentioned, in 2 days we have gotten about 900 e-mails, significantly from Vermont but from all over the country. So I have introduced legislation which would cap interest rates on credit cards at 15 percent, with some exceptions going up to 18 percent. That legislation is cosponsored by Senators DURBIN, LEAHY, WHITEHOUSE, HARKIN, and LEVIN. The legislation is based on longstanding law which regulates credit unions, which under normal circumstances cannot charge more than 15 percent.

The American people are hurting. We are in a recession because of the greed of a small number of banks on Wall Street, and now these very same banks are hitting the middle class and working families of this country with outrageously high interest rates. Enough is enough. We need to establish a national usury rate, so I ask my colleagues to support this legislation.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

#### ROXANA SABERI IMPRISONMENT

Mr. DORGAN. Mr. President, this is a photograph of Roxana Saberi. Yesterday, April 26, was her 32nd birthday. She was born and raised in Fargo, ND. Her father Reza Saberi is an Iranian citizen who moved here over 35 years ago. Her mother Akiko is Japanese.

This young woman is a 1994 honor graduate of Fargo North High School, active in music, soccer, dance, a member of the North High School Hall of Fame, and an outstanding athlete. In 1997, she was voted Miss North Dakota. That year, she was made one of the 10 finalists in the Miss America pageant, winning the Scholar Award. In 1999, she completed her master's degree in broadcast journalism at Northwestern. In 2000, she earned a master's degree in international relations from Cambridge University in England. I tell you all that about this young woman because she sits in a 10-foot by 10-foot prison cell in Evin Prison in Tehran, Iran.

I spoke to her father this weekend. Her father and mother are in Tehran.

Roxana was arrested in Tehran and put in prison, and she has been there 86 days. When she went to Iran, she did so because she was proud of her Iranian heritage. Even though she was born, raised, and educated here in the United States, she was interested in going to the country where her father had come from, and so she went to Iran. She is a woman who was trained in journalism. I met her when she practiced journalism in North Dakota. She has reported for National Public Radio, BBC, for FOX News, and others, from Tehran. She stayed in Iran after her credentials as a journalist were rescinded in 2006. She stayed to write a book about Iran and to complete work on her degree in Iranian studies and international relations.

As I said, as of yesterday she has spent 86 days in prison in Iran, in a 10 foot-by-10 foot cell with three cell mates. She was arrested January 31 and was convicted of spying just a week ago and given an 8-year sentence in prison. It is an absolutely preposterous miscarriage of justice. This young woman is not engaged in espionage and is not a spy. She is a young woman who went to Iran because she was proud of her cultural heritage. She was arrested and held in an Iranian prison without the capability of access to an attorney. Her parents didn't know where she was. She was held there incommunicado. She is a young woman caught in the grips of a judicial system and the politics in Iran from which she can't seem, at this point, to escape. She is an innocent woman sitting in a prison cell in Iran.

Roxana has been on a hunger strike for the past 7 days in protest of her sentence. Her father told me when I visited with him on Saturday that he was going to the prison today in Tehran to visit Roxana, and he tried to convince her to cease the hunger strike. She does not want to do that.

She has already lost 10 pounds. Her father said she looked very weak and said she intends to continue the hunger strike until she dies or is released from jail. The only nourishment she is taking is water with some sugar.

The entire world has protested this arrest and conviction and sentencing, which is a miscarriage of justice. As I said, she was held for 10 days without an ability to communicate with anyone. It took a month before the country of Iran admitted they were holding her. It was more than 5 weeks before she was allowed to see a lawyer.

The charges kept changing. First, the Iranian Government said the charge was that she purchased a bottle of wine, and the person who sold it to her told the Iranian Government, and therefore she was arrested. That was what she was told she was put in prison for. She had bought a bottle of wine.

Then she was accused of working as a journalist without a valid press license. That was the second accusation.

Then, weeks later, she was accused of being a spy. The court has not released any evidence against her. They held a ½-day trial—behind closed doors. There was no release of any evidence against her. According to her attorney, she was not allowed to speak in her own defense.

To us that is a completely foreign notion of what justice should be. Apparently, at least in some circles in Iran, they consider that some kind of perverted justice.

Let me say there is at least some hopeful signs. President Ahmadinejad sent a letter to Iran's prosecutor saying Roxana's rights must not be violated and asking him to ensure that she is allowed to offer a full defense on the appeal. Her attorney, as I understand it, is now set to offer the appeal. The Ayatollah Shahroudi, who is the head of Iran's judiciary, has requested a quick and fair appeal of Roxana's case. That also gives some of us hope.

Perhaps some of Iran's leaders understand that what is also on trial is the credibility of those who govern Iran.

This has been very difficult for our country because we do not have an embassy or ambassador in Iran. We must communicate through the Swiss Embassy, which is the protecting power for American citizens in Iran. So it is very hard for us to know what is going on there.

I want to say, again, this young woman is not a spy. It is preposterous for her to be charged with espionage. It is an unbelievable miscarriage of justice for her to be sitting in a 10-by-10 prison cell. Yet on her birthday she sat in that cell in Evin Prison in Tehran facing an 8-year sentence in a circumstance in which she was not even allowed to defend herself. The basic tenets of justice have somehow been denied to this young woman.

What I believe Iran should do is release her from prison and allow her to leave the country and return home with her parents to the U.S. I hope the

Iranian Government is listening—not just to us, not just to me, but to virtually everyone in the world who cares about fairness and justice and human rights. All of them have weighed in on Roxana's behalf saying: How on Earth can you do this? How do you justify this?

Iran leaders understand the spotlight of the world is on their country and on those who decided to arrest this young woman, a young woman so proud of her heritage that she was there wanting to write a book about her heritage. I hope they understand the injustice of what they have done and what the rest of the world sees of that injustice and what it means to Iran in the eyes of the rest of the world.

If they do, if they understand that, most surely they will decide to release her from prison, exonerate her, and allow her to go home. I hope they do that soon. They face great risks with the health of this young woman who is now on a hunger strike. President Ahmadinejad and the people who run the judicial system of Iran should pay close attention and do the right thing.

I have spoken to the Permanent Iranian Representative to the United Nations on numerous occasions about this case, and I intend to keep pushing. I hope today perhaps the Iranians will understand the unfairness of what they have done and finally, at long last, make it right.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

(The remarks of Mr. MERKLEY relating to the introduction of S. 901 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Madam President, what is the parliamentary situation?

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will re-

sume consideration of S. 386, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 386) to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

Pending:

Reid amendment No. 984, to increase funding for certain HUD programs to assist individuals to better withstand the current mortgage crisis.

Inhofe amendment No. 996 (to amendment No. 984), to amend title 4, United States Code, to declare English as the national language of the Government of the United States.

Vitter amendment No. 991, to authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program.

Boxer modified amendment No. 1000, to authorize monies for the Special Inspector General for the Troubled Asset Relief Program to audit and investigate recipients of non-recourse Federal loans under the Public Private Investment Program and the Term Asset Loan Facility.

Coburn amendment No. 982, to authorize the use of TARP funds to cover the costs of the bill.

Thune amendment No. 1002, to require the Secretary of the Treasury to use any amounts repaid by a financial institution that is a recipient of assistance under the Troubled Assets Relief Program for debt reduction.

DeMint amendment No. 994, to prohibit the use of Troubled Asset Relief Program funds for the purchase of common stock.

Coburn amendment No. 983, to require the Inspector General of the Federal Housing Finance Agency to investigate and report on the activities of Fannie Mae and Freddie Mac that may have contributed to the current mortgage crisis.

Kohl amendment No. 990, to protect older Americans from misleading and fraudulent marketing practices, with the goal of increasing retirement security.

Ensign amendment No. 1004, to impose certain requirements on public-private investment fund programs.

Ensign amendment No. 1003 (to amendment No. 1000), to impose certain requirements on public-private investment fund programs.

Hatch amendment No. 1007, to prohibit the Department of Labor from expending Federal funds to withdraw a rule pertaining to the filing by labor organizations of an annual financial report required by the Labor-Management Reporting and Disclosure Act of 1959.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I thank the distinguished Presiding Officer.

The bill, S. 386, is the bipartisan Fraud Enforcement and Recovery Act of 2009, the Leahy-Grassley bill. When I mention my name and Senator GRASSLEY's name, we are only two of a large number of people on this bill. We have Senators KAUFMAN, KLOBUCHAR, SCHUMER, MURRAY, BAYH, SPECTER, SNOWE, HARKIN, LEVIN, DORGAN, WHITEHOUSE, ROCKEFELLER, SHAHEEN, STABENOW, SANDERS, BENNET of Colorado, DURBIN, MIKULSKI, GILLIBRAND, BEGICH, BURRIS, DODD, MENENDEZ, CARDIN, REID, and PRYOR as co-sponsors.

I mention those names because they go across the political spectrum. They know we have to strengthen the Federal Government's capacity to investigate and prosecute the kinds of financial frauds that have severely undermined our economy and hurt so many hard-working people in this country.

The reason so many of us came together, again, across the political spectrum—and I note there are several former prosecutors in that group—is we have seen what some of these unscrupulous people have done. They have set up these mortgage frauds in basically an unregulated area. They will come to somebody who is facing difficulty in paying off a mortgage—there has probably been a foreclosure and they come and say: Here, we can take care of you. Sign these papers. Put this money down. Send payments to us. We will take care of everything.

So people exhaust their life savings. Maybe they send the money they put away for their kids to go to college. Probably it is part of their retirement account. By the time they get done, the people committing the fraud are gone. The mortgage on the house, however, has not been paid off. In fact, the bank is still going to foreclose. They have lost their life's savings. They have lost all the money they have set aside for whatever reasons so many millions of Americans set money aside for. And these people who committed the fraud are gone. They have been robbed of their savings, their retirement accounts, their children's college funds, their equity, and, of course, many have lost their homes on top of that.

When the testimony of the FBI and the Department of Justice and others showed this type of fraud—which was bad enough in years past—has skyrocketed in the last couple of years, the Senator from Iowa and I decided we should bring a piece of legislation that would allow the FBI and the Department of Justice to go after these people defrauding Americans.

I do not want to just have a simple fine. If somebody steals \$100 million, and they get a fine of \$5 or \$10 million, it is a matter of doing business. I want enough teeth in here that they will go to jail. If you steal somebody's home, if you steal their dreams, if you steal their retirement, you should go to jail. We send kids to jail for sealing a car. How much more important is it that we should send these white-collar thieves to jail for stealing someone's life and someone's dreams? That is what we want to do here.

The bill will help provide the resources and legal tools needed to police and deter fraud but also to protect the taxpayer-funded economic recovery events now being implemented.

I was disappointed that last week our efforts to enact this legislation were stalled. But I take a great deal of hope now to know that by tomorrow midday it should be passed. It is, as I said, a bipartisan bill. It does strengthen the

tools available to law enforcement to combat financial and mortgage fraud.

We were delayed a number of times before we got on the floor of the Senate, and I compliment the distinguished majority leader for bringing it to the floor last week. And when we did, we began to work on 18 amendments that were offered to the bill. We had votes on a number of them. By Thursday afternoon, we had voted on all the germane amendments. We also worked in good faith on a number of amendments not related to the underlying fraud enforcement legislation.

I would like to mention the kind of cooperation we had. The distinguished Republican deputy leader, Senator KYL, had a series of amendments that I believe would have passed the test of germaneness. He talked with Senator GRASSLEY and myself, and we arranged a vote on one amendment. He had wanted to bring up several similar ones. They were objected to. He pulled them down, and we had a vote on the one. We spent very little time doing that. We had plenty of time for Senator KYL to make his points, Senator GRASSLEY and I to make ours, and then we had a vote on it.

So we voted on all the germane amendments. For the remaining amendments, we sought an agreement to proceed to vote on each of those pending amendments, the ones that had not been voted on. When the offer was rejected, after being on this bill for several days, the majority leader was forced to file cloture to conclude consideration of this bipartisan legislation.

Majority Leader REID did the only thing he could responsibly do because this is timely legislation. It is needed to protect people from losing their retirement funds, their homes, and their savings for their children to go to college. Americans are seeing their life's savings taken from them by unscrupulous criminals.

I think of my parents who came up during the time of the Great Depression and started a small business. They saved all their lives for their own retirement, to send their children to college. I think of how I would have reacted if I had seen somebody steal from them. Well, it is happening to a lot of other parents and grandparents around this country. It is time for the Senate to act before more people have their lives destroyed.

The Fraud Enforcement and Recovery Act will make necessary changes to criminal laws, including criminal fraud, securities, and money-laundering laws. It will increase the funding available to Federal law enforcement agencies to combat mortgage fraud and financial fraud. It will revise the False Claims Act to ensure that the Government can recover taxpayer dollars lost to fraud. This is a very important part of the bill. If somebody is stealing the taxpayers' dollars too, we want to get that back for the taxpayers.

Throughout this debate, I have several times commended the Senator from Iowa, Mr. GRASSLEY, our lead cosponsor. I commend him and I thank him for his contributions to the bill and the debate, his work in the Judiciary Committee, in getting us this far, and for his dedication to protect taxpayer funds by deterring, investigating, and prosecuting fraud. I thank our many cosponsors for their steadfast support. I have named them. I shall not again. But everybody I have heard from across this country supports this bill.

No one should want to see taxpayer money intended to fund economic recovery efforts diverted by fraud. No one should want to see those who engage in mortgage fraud escape accountability. That is what is going to happen unless we vote to conclude the debate on this bill, pass it, get it to the other body, get it passed, get it signed into law, and give law enforcement the resources and tools they so desperately need.

During the first months of this year, the Judiciary Committee has concentrated on what we can do legislatively to assist in the economic recovery. Already we have considered and reported this fraud enforcement bill and the patent reform bill, and worked to ensure that law enforcement assistance was included in the economic recovery legislation.

The recovery efforts are generating signs of economic progress. That is good. That is necessary. But that is not enough.

We need to make sure we are spending our public resources wisely. We want to make sure they are not being taken by fraud. We also need to ensure that those responsible for the downturn through fraudulent acts in financial markets and the housing market are held to account. It should not be a case where we taxpayers pay for what they did and they get away scot-free. Two decades ago we responded during the savings and loan crisis by hiring more agents, analysts, and prosecutors. We allocated the resources needed to catch those who took advantage to profit through fraud. We have to do it again.

At our February hearing, we heard from the FBI, the Special Inspector General for the Troubled Assets Relief Program, and the Justice Department. All of our law enforcement witnesses testified of the need for this legislation and these additional law enforcement resources.

Deputy Director John Pistole of the FBI warned that the losses of this economic crisis dwarf those of the savings and loan debacle, and the need for more enforcement is even greater now than it was then.

Special Inspector General Neil Barofsky described how law enforcement resources had understandably been diverted from traditional white collar crime to terrorism, but that had left the Justice Department's capacity

to respond to financial and securities fraud significantly weakened. He warned that with trillions of dollars being spent under TARP and other associated programs, "it is essential that the appropriate resources be dedicated to meet the challenges of both deterring and prosecuting fraud." I agree.

Acting Assistant Attorney General Rita Glavin of the Justice Department testified that our bill would provide the Justice Department with needed tools "to aggressively fight fraud in the current economic climate" and "provide key statutory enhancements that will assist in ensuring that those who have committed fraud are held accountable."

We then held a hearing with FBI Director Robert Mueller. Director Mueller reiterated law enforcement's message. Here is what he said: "[The bill] will be tremendously helpful in giving us the tools to investigate . . . to help prosecutors prosecute, and finally to obtain the convictions and the jail sentences that are the deterrent to this activity taking place in the future."

Each week we learn of additional scandals in the financial industry, as leading money managers are charged with multimillion dollar fraud schemes carried out over the years. We need to clean up the mess. That means providing the tools and resources that law enforcement needs to get to the bottom of this, restore order, and exact accountability.

To show how severe this is, reports of mortgage fraud are up 682 percent over the past 5 years, more than 2,800 percent over the past decade. Some say we are losing more than \$4 billion a year to mortgage fraud. And massive, new corporate frauds, like the \$65 billion Ponzi scheme perpetrated by Bernard Madoff, are being uncovered as the economy has turned worse, exposing many investors to massive losses.

The problem is getting worse, not better. The victims of these frauds have to be protected now more than ever. The victims include, as I have said, homeowners who have been fleeced by unscrupulous mortgage brokers, retirees who have lost their life savings in stock scams and Ponzi schemes, which have come to light only as corporations collapse and the market falls.

They also include American taxpayers who have invested billions of dollars to restore our economy. These American taxpayers expect us to protect the investment they have made to make sure those funds are not exploited by crime. Each one of us is among those taxpayers. We all want to make sure the money is not stolen.

I urge all Senators to support our efforts and work with us to pass this bill without further delay. That means to vote for cloture so that we can conclude the amendment process and vote on the bill.

I see the distinguished cosponsor of this bill, Senator GRASSLEY, on the floor and I yield to him.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I heard the kind remarks of the Senator from Vermont. I thank him for those remarks about this Senator and I thank him for his cooperation on this bill, including some things I am very much interested in, but also the basis of the legislation that he proposed, and I support it as enthusiastically as I do the rest of the bill. I thank the Senator from Vermont.

I am here, obviously, to speak in support of the Fraud Enforcement Recovery Act which has been so thoroughly discussed by our distinguished chairman of the Judiciary Committee. As the lead Republican cosponsor of this timely antifraud legislation, I believe it is a very important component—a very important component—to help get both the financial and the housing markets back on track. The fraud enforcement tools and resources provided in this bill are very necessary. They will ensure that the taxpayers' dollars that have been expended to shore up bank and financial institutions and corporations and Freddie Mac and Fannie Mae and others aren't lost to fraud, waste, and abuse.

This bill sends a very clear message to would-be bad actors that their conduct will have repercussions from here on out. It will also make sure money lost to fraud can be recovered through the False Claims Act. Most importantly, this bill will help show the American people we are doing something to try and prevent future fraud and recover moneys lost to that fraud and that abuse. That is why I am voting for cloture on this bill.

Early in the process of bringing this bill to the floor, I explained to the Democratic leadership that I wanted an open process for amendments to be considered on this bill before I supported the cloture that we will be voting on. The leadership honored that and we had a number of amendments filed on this bill. We have spent a week and have debated and disposed of a number of amendments to the bill. We have some other amendments that remain outstanding that are good amendments and should be debated on a housing or banking bill that is coming up in the very near future. It is now time to pass this bill. Our law enforcement officials need these tools and they need these resources and they need them now. That is why I am going to vote for cloture on this bill.

Taxpayers have been asked to shoulder an enormous burden at this time of economic crisis created by a credit crisis. They have shouldered an enormous burden, be it the bailout of financial institutions, an economic stimulus bill that handed out \$1 trillion, and more recently the Omnibus appropriations bill loaded full of Government spending. To my colleagues: Whether you agree with these expenditures, we simply cannot allow these funds to be unprotected from fraud, waste, and abuse.

This legislation ensures that our law enforcement officials and our prosecutors have the tools necessary to enforce our laws and the resources to hunt down the bad actors. It makes revisions to our criminal fraud laws to ensure that complex financial and mortgage crimes aren't outside the scope of Federal jurisdiction in the future. It also makes necessary corrections to our antimoney laundering laws to ensure that a recent Supreme Court decision doesn't limit the ability of our Department of Justice to go after criminals who launder their ill-gotten funds.

Finally, and perhaps most importantly from the standpoint of this Senator, the bill amends the civil False Claims Act to ensure that taxpayers' money lost to fraud, waste, and abuse can, in fact, be recovered and particularly when that recovery is associated with a patriotic work of whistleblowers who make that known. Back in 1986, I authored major revisions to the False Claims Act and did that so we could fight fraud, particularly against Government then more so than now, by defense contractors. Now it seems to be Medicare and the health care industry. Since those revisions were signed into law in 1986 by President Reagan, the False Claims Act has recovered over \$22 billion of taxpayer money.

This powerful law allows citizen taxpayers to act as private attorneys general by going to court on behalf of our Government when they know of fraud against the Government. These quiet whistleblowers are the heart and soul of the False Claims Act. They uncover fraud from the inside, bringing schemes to light so taxpayers are not taken for a ride. However, in recent years, litigation fueled by powerful Government defense and health care contractors has created legal loopholes that threaten the application of this powerful tool that has brought in billions of dollars. This legislation fixes this, thus ensuring that no fraud can go unpunished by simply navigating through the legal loopholes.

This bill will help deter potential defrauders from attempting to scam the Government and the taxpayers. In addition, this legislation will help instill confidence back into the housing and financial markets. I hope my colleagues will join me by voting for cloture on this bill to help make sure these taxpayer dollars are protected.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent to speak as in morning business. However, if anyone wishes to come in and talk about the pending bill, I will certainly defer to them.

Mr. LEAHY. Reserving the right to object, and I shall not object, what time is this bill scheduled for a vote?

The PRESIDING OFFICER. The vote will occur at 5:20, the vote on cloture.

Mr. LEAHY. If the Senator will be kind enough to amend his unanimous

consent request to include not to interfere with the vote at 5:20.

Mr. INHOFE. I certainly amend it accordingly.

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

Mr. INHOFE. Again, I would say if anyone wants to come in and talk about this vote that is coming up, I will yield to them.

#### GUANTANAMO BAY

I seem to be involved in four missions right now and one of them happens to be the Guantanamo Bay detention facility. I have had occasion to be down at that facility right after 9/11 and then, of course, the other day I was there again. There are some very serious problems I think many Members of this body are not aware of. One is that when President Obama gave his excellent speech that was his inaugural speech, he recognized we need to determine what we are going to do with those who are currently detained at Guantanamo Bay and those who may come into that facility as a result of the escalation of activity in Afghanistan before making a determination that it has to be closed. Unfortunately, 2 days after he made that speech, he stated it was going to be closed and the prison would be closed within a year.

On February 2, I took a group down there with some Senators who had never been to Guantanamo Bay. All they could do on the way back is say: Why are we considering giving up this facility? In fact, shortly after that, I introduced legislation that would prevent any transfers of detainees from Guantanamo Bay to anywhere in the United States or its territories. The reason I did this is because while this has been used to detain some 800 al-Qaida and Taliban combatants, they are down right now to about 525 of those who have been tried and departed from Gitmo for other countries. Today, there are approximately 245 detainees left. This is the problem. These detainees—about 170 as near as we can determine—are very serious detainees such as Khalid Mohammed and others who were directly involved in the planning of 9/11. Many of the countries will not accept them back. They cannot be repatriated to any country; nobody wants them. So the choices are limited either to keep them at that facility or to figure out some way to put them in, as has been suggested, to some facility in the continental United States. They have talked about some 17 places that could detain these terrorists.

The problem we have with that is these would become 17 magnets for terrorism in the United States. I can't find one Member of the U.S. Senate—not one—who is willing to have any of these detained in his or her State. I often wonder what is this obsession that people have to closing this facility. It is kind of funny because it is one of the few good things that is out there—few good deals we have. We have had this facility since 1903. We are still paying the same amount of money—

\$4,000 a year—for this facility, and it is the state-of-the-art place for the United States to take care of this type of detainee. Let's keep in mind that we also have a complex called the expeditionary legal complex located at Gitmo. It is about the only place of its kind in the world where you can try these cases. If you don't try them there, very likely they could find their way into our justice system. Of course, I think we all understand the rules of evidence are different in that facility than they are in our Federal judiciary system.

I had occasion to go to Fort Sill in my State of Oklahoma, which is 1 of the 17 that have been named as possible areas for detention of these individuals.

Sergeant Major Carter was there, the one running the facility. She had occasion to be stationed for over a year at Guantanamo. She said: Why in the world would we give up that facility to send them down here to Fort Sill? First of all, we don't have the capacity to keep them in the various classifications in security that they do at Guantanamo. Second, she said that the ratio is 1 to 2 in terms of health care facilities. There is just one health care person in most locations, but there are doctors and nurses for each two detainees at Guantanamo Bay. We don't have anything like that at Fort Sill or Leavenworth or any of the other suggested places.

Consequently, they have studied and found and determined that never has there been a case of abuse in the way of human rights abuses with the detainees. There has never been a case of waterboarding or of any kind of torturing. Yet they are there, and nobody has been able to say why it is that they should be closed down.

What troubles me most is that the Obama administration seems more focused on closing Gitmo and protecting the rights of those detainees than on conducting the war on terror and protecting our country and our people from the terrorists currently held there.

It is interesting that Attorney General Holder went down to look at Gitmo to determine what we should do. He came back with a glowing report about the conditions. The Pentagon released a report stating that Gitmo meets the highest international standards, the very highest standards. Unfortunately, the Obama administration seems bent on closing Gitmo—I guess for political reasons. Yet I have not heard the reasons why it is that people are so obsessed with the idea of closing it down.

I think it is time for the Members of Congress to weigh in because as we look at the evidence and the problems, we have to find a place to put the detainees who are there. I say to my friend from Vermont, it is not just the 245 detainees currently there, it is the ones who are going to be there as a result of the surge. People say there are

two prisons in Afghanistan, there is Bagram and Kandahar. The problem with that is, it is my understanding they will only accept detainees who are Afghan. You have others going from Saudi Arabia, from other areas, and there is no place else they can be put.

I think we have an opportunity there to have a place that is secure, with the highest standards. Again, the only alternative would be to put them in places where we have detainees—where we have other facilities in the United States.

In 2007, the Senate passed a resolution by a vote of 94 to 3. It stated that the detainees housed at Gitmo should not be released into American society, nor should they be transferred state-side into facilities in American communities and neighborhoods. That vote was 94 to 3.

Madam President, I suggest to you that we will have the opportunity to call on those 94 Members, and certainly their constituents back home, who don't want to have them released and housed in any area other than Gitmo. My State of Oklahoma is not the only State where the State legislature has passed resolutions saying we don't want any of those detainees housed in our State. I think we will have an opportunity—since the vote is taking place in a minute and my time has expired—an opportunity in the next few days, before any final action takes place, to allow the Members of both the House and Senate to express a very strong position that they don't want to have these detainees placed in any of the stateside facilities.

With that, I yield the floor.

Mr. LEAHY. Madam President, we have about a minute left. I reiterate for my colleagues that this is a bill that, when it is voted upon, I predict—and I am fairly good about such predictions—will pass almost unanimously, certainly with 80 to 90 votes for it. We handled a number of amendments—mostly Republican amendments—and we either included them or voted them down. Most were included in this bill. Cloture was filed only because a huge number of amendments came in that had absolutely nothing to do with the jurisdiction of either the Judiciary Committee or this bill. That is the only way to get on to the bill and give our law enforcement the tools they need. Many law enforcement groups in this country has spoken in favor of this.

I ask unanimous consent that a group of letters from law enforcement organizations and other groups in favor of it be printed in the RECORD.

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

#### NATIONAL FRATERNAL ORDER OF POLICE,

*Washington, DC, March 18, 2009.*

Hon. PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary, U.S.  
Senate, Washington, DC.

DEAR MR. CHAIRMAN, I am writing on behalf of the members of the Fraternal Order



of Police to advise you of our support for S. 386, the "Fraud Enforcement and Recovery Act."

This bill will strengthen our ability to investigate and prosecute the kinds of financial crimes that have so severely undermined our economy by providing law enforcement with the tools they need to investigate fraudulent activity in connection with bail-out and recovery legislation.

The legislation you have introduced along with Senators Grassley, Schumer, Klobuchar, and Kaufman will authorize \$165 million a year for hiring fraud prosecutors and investigators at the U.S. Department of Justice for FY2010 and 2011, including specific funding for the Federal Bureau of Investigation to hire additional special agents, professional staff and forensic analysts to rebuild its "white collar" investigation program. The bill also authorizes \$80 million a year over the next two years for investigators and analysts at the U.S. Postal Inspection Service, the U.S. Secret Service, and the Office of Inspector General for the Housing and Urban Development Department to combat fraud against Federal assistance programs and financial institutions.

Additionally, the bill will make changes to fraud and money laundering statutes to enhance prosecutors' ability to combat this growing wave of fraud and improve one of the most potent civil tools we have for rooting out fraud in government—the False Claims Act.

I applaud you for your leadership on this issue and look forward to working with you and your staff to move this bill forward. If I can be of any help, please do not hesitate to contact me or Executive Director Jim Pasco through my Washington office.

Sincerely,

CHUCK CANTERBURY,  
National President.

TAXPAYERS AGAINST FRAUD,  
Washington, DC.

Hon. PATRICK J. LEAHY,  
Chairman, Senate Judiciary Committee, Russell  
Senate Office Building, U.S. Senate, Wash-  
ington, DC.

DEAR SENATOR LEAHY: I am writing to express Taxpayers Against Fraud's support for the recently introduced Fraud Enforcement and Recovery Act of 2009 (S. 386). Taxpayers Against Fraud is dedicated to eradicating fraud against the United States government. We strongly believe that this well-reasoned legislation will serve that end, and will greatly benefit the American people during this trying time. In particular, the S.386 provisions closing False Claims Act loopholes will prevent fraudsters from stealing tax dollars with impunity.

Over the past twenty years, it has become utterly clear that the government's most effective fraud-fighting tool is the federal False Claims Act, returning over \$22 billion in settlements and judgments. However, recent court decisions have interpreted the False Claims Act in ways inconsistent with the Congressional intent, causing harm to taxpayers. These judicial rulings could leave billions of federal dollars exposed to fraud. Perhaps most disturbing, the Supreme Court recently held that the False Claims Act does not impose liability for false claims on government funds disbursed by a government contractor for government purposes. This ruling severely limits the reach of the False Claims Act. S. 386 specifically addresses this Court ruling. Therefore, during this time, when the government is distributing unprecedented funds as part of the economic recovery efforts, Congress is rightly seeking to strengthen the False Claims Act, thus ensuring that every stimulus dollar is appropriately spent to get our country back on track.

We strongly support this legislation, and we encourage others to join the fight in protecting America's scarce fiscal resources.

Sincerely,

JOSEPH E. B. WHITE,  
President & C.E.O.

FEDERAL LAW ENFORCEMENT  
OFFICERS ASSOCIATION,  
Lewisberry, PA, March 22, 2009.

Hon. PATRICK J. LEAHY,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR LEAHY: As the National President of the Federal Law Enforcement Officers Association (FLEOA), a 26,000 member organization exclusively representing federal law enforcement officers, I would like to commend you for your introduction of Senate Bill 386, the Fraud Enforcement and Recovery Act of 2009.

Three sections of the bill in particular are of great importance to our membership. First, Subsection 27, paragraph (1) seeks to define the term "proceeds" correctly as relates to a money laundering violation (Title 18, USC 1956 C). Your bill will ensure that a criminal is charged for the "gross receipts" they earned from a specified unlawful activity. Money launderers should not be allowed to use receipts from their criminal enterprise as a means to lower the dollar amount for which they are criminally charged.

Under Section 3, paragraph (2) (A), your bill specifies funding the Federal Bureau of Investigation (FBI) for fiscal years 2010 and 2011. Specifically, your bill recommends funding the FBI \$65 million each year in an effort to combat crimes involving "federal assistance programs and financial institutions." In light of the economic crisis our country is facing, and the rampant fraud being committed against programs designed to assist Americans, it is imperative that the FBI receives the proper funding and resources to investigate criminals who seek to steal from our government.

We also support the additional \$30 million allocations specified for both the Postal Inspection Service and the Inspector General of the Department of Housing and Urban Development (HUD-OIG). As the Postal Service confronts its fiscal challenges, it is imperative that the Postal Inspection Service is properly funded in order to carry out its vital mission. If the Postal Service continues to tighten the Postal Inspection Service belt, our Inspectors won't be able to breathe, i.e. continue to conduct high impact criminal institution crimes. They, too, need to be properly funded so they can continue to investigate those who seek to steal from our government.

Thank you, Senator Leahy, for recognizing the need to fund those agencies who are dedicated to protecting our government's capital. We also applaud your recognition of the need to address the misguided interpretation of the money laundering statute that was rendered in the Santos case.

Respectfully submitted,

J. ADLER,  
National President.

NATIONAL ASSOCIATION OF  
ASSISTANT UNITED STATES ATTORNEYS,  
Lake Ridge, VA, March 20, 2009.

Re Fraud Enforcement and Recovery Act of  
2009, S. 386

Hon. HARRY REID,  
Senate Majority Leader,  
U.S. Capitol, Washington, DC.  
Hon. MITCH MCCONNELL,  
Senate Republican Leader,  
U.S. Capitol, Washington, DC.

DEAR MAJORITY LEADER REID AND REPUB-  
LICAN LEADER MCCONNELL: On behalf of the

National Association of Assistant United States Attorneys, I write to urge the Senate to proceed without delay to approve the Fraud Enforcement and Recovery Act of 2009, S. 386. This legislation was reported by the Senate Judiciary Committee on March 5. Our organization, which represents the interests of the 5,400 Assistant United States Attorneys responsible for enforcement of the nation's laws and the pursuit of justice, strongly supports this legislation and urges prompt Senate passage. The legislation also has the support of the Department of Justice itself.

The Fraud Enforcement and Recovery Act (FERA) will make new tools and resources available to prosecutors and law enforcement authorities to investigate and prosecute the corporate and mortgage frauds that have contributed to the collapse of our economy and caused such widespread harm. The legislation authorizes \$230 million for hiring fraud prosecutors and investigators at the Justice Department for fiscal years 2010 and 2011. This includes \$50 million for U.S. Attorneys' offices to expand prosecutorial staffing of its mortgage fraud strike forces and \$40 million for the criminal, civil, and tax divisions at the Justice Department to provide special litigation and investigative support to those efforts.

FERA also makes a number of important improvements to fraud and money laundering statutes to strengthen the ability of federal prosecutors to combat this growing wave of fraud.

This legislation, like the FIRREA legislation responding to the savings and loan crisis, is the most significant effort to reinvigorate our federal fraud enforcement program in more than two decades. Congress should move quickly to pass this legislation so American taxpayers can be confident that those who are criminally responsible for contributing to the present economic disaster, as well as those who may attempt to exploit federal efforts to promote recovery, are apprehended and held fully accountable for their wrongs.

Sincerely yours,

RICHARD DELONIS,  
President.

ASSOCIATION OF  
CERTIFIED FRAUD EXAMINERS,  
Austin, TX, March 10, 2009.

Hon. PATRICK J. LEAHY,  
U.S. Senate,  
Washington, DC.

DEAR MR. CHAIRMAN: The Association of Certified Fraud Examiners (ACFE) is the world's largest anti-fraud organization and the premier provider of anti-fraud training and education. Together with nearly 50,000 members, the ACFE is reducing business fraud world-wide and inspiring public confidence in the integrity and objectivity within the profession. The mission of the ACFE is to reduce the incidence of fraud and white-collar crime and to assist in fraud detection and deterrence.

On behalf of the ACFE, I applaud you and the Senate Judiciary Committee for your commitment to reduce fraud and your diligence in creating S. 386, The Fraud Enforcement and Recovery Act of 2009. This is an important piece of legislation that will make a significant impact on reducing the impact of Fraud and restoring public confidence in our financial markets.

According to a Survey of Certified Fraud Examiners (CFEs) who investigated cases between January 2006 and February 2008, U.S. organizations lose an estimated seven percent of their annual revenues to fraud. When applied to the projected 2008 United States Gross National Product, the seven percent figure translates to approximately \$994 billion in fraud losses. The ACFE published the

results of the survey in our 2008 Report to the Nation on Occupational Fraud & Abuse.

The ACFE administers the CFE credential. The CFE denotes proven expertise in fraud prevention, detection and deterrence. CFEs are trained to identify the warning signs and red flags that indicate evidence of fraud and fraud risk. CFEs around the world help protect the global economy by uncovering fraud and implementing processes to prevent fraud from occurring in the first place. As you stated in a recent press release, the Fraud Enforcement and Recovery Act of 2009 was created to strengthen the Federal Government's capacity to investigate, prosecute, and even deter financial frauds. In order to be effective at these goals, it requires practitioners who are trained with the necessary fraud prevention, detection, and examination skills. The CFE credential and the training and experience required of an individual to become a CFE are critical skill sets that the Federal Government should demand of its resources. We encourage you to include CFE training and credentials as part of any plan to help prevent and detect fraud.

With our compliments, enclosed is our Report to the Nation as well as the current issue of Fraud Magazine. We hope these publications provide greater insight into the valuable work that both the ACFE and its members provide. The ACFE is proud to have such an honorable colleague in the fight against fraud and we are deeply appreciative of your exemplary work.

If there is anything I can offer or extend to you in the future, please do not hesitate to ask.

Cordially,

SCOTT J. GROSSFIELD,  
CEO.

Enclosures: Report to the Nation, Fraud Magazine.

The PRESIDING OFFICER. The time of 5:20 having arrived, under the previous order, pursuant to rule XXII the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute amendment to S. 386, the Fraud Enforcement and Recovery Act of 2009.

Patrick J. Leahy, Debbie Stabenow, Kent Conrad, Barbara Boxer, Patty Murray, Herb Kohl, Jeff Bingaman, Russell D. Feingold, Bernard Sanders, Bill Nelson, Ben Nelson, Richard Durbin, Jack Reed, Amy Klobuchar, Robert P. Casey, Jr., Claire McCaskill, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the committee substitute amendment to S. 386, the Fraud Enforcement and Recovery Act of 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from

Kansas (Mr. BROWNBACK), the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), the Senator from Nevada (Mr. ENSIGN), the Senator from Florida (Mr. MARTINEZ), the Senator from Kansas (Mr. ROBERTS), the Senator from Louisiana (Mr. VITTER), and the Senator from Ohio (Mr. VOINOVICH).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea." The Senator from Texas (Mr. CORNYN) would have voted "yea."

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

The yeas and nays resulted—yeas 84, nays 4, as follows:

[Rollcall Vote No. 170 Leg.]

#### YEAS—84

Akaka	Feingold	Menendez
Alexander	Feinstein	Merkley
Barrasso	Gillibrand	Mikulski
Baucus	Graham	Murkowski
Bayh	Grassley	Murray
Begich	Gregg	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bennett	Harkin	Pryor
Bingaman	Hatch	Reed
Bond	Hutchison	Reid
Boxer	Inouye	Risch
Brown	Isakson	Sanders
Burr	Johanns	Schumer
Byrd	Johnson	Sessions
Cantwell	Kaufman	Shaheen
Cardin	Kennedy	Shelby
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Cochran	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Udall (CO)
Corker	Lieberman	Udall (NM)
Crapo	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	McCain	Whitehouse
Durbin	McCaskill	Wicker
Enzi	McConnell	Wyden

#### NAYS—4

Coburn  
DeMint

Inhofe  
Kyl

#### NOT VOTING—11

Brownback	Ensign	Rockefeller
Bunning	Landrieu	Vitter
Burr	Martinez	Voinovich
Cornyn	Roberts	

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 4. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order for me to raise a point of order en bloc against all pending amendments; that they are not germane postcloture.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and, it is so ordered.

Mr. LEAHY. Madam President, I raise a point of order en bloc that the pending amendments are not germane postcloture.

The PRESIDING OFFICER. The point of order is well taken. The amendments fall en bloc.

Under the previous order, all postcloture time is yielded back, the substitute amendment is agreed to, and

the clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. LEAHY. Madam President, I understand the vote will be tomorrow on the bill. Would it be in order to ask for the yeas and nays at this point?

The PRESIDING OFFICER. It is.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. The yeas and nays are ordered.

Mr. LEAHY. I thank the distinguished Presiding Officer, and I yield the floor.

Mr. WHITEHOUSE. Madam President, I rise in strong support of S. 386, the Fraud Enforcement and Recovery Act, and I congratulate Chairman LEAHY for introducing this important piece of legislation. If enacted, this bill will enhance our ability to combat fraud and help bring justice to those injured by misconduct that contributed to our current financial crisis.

The bill has several important aims. First, it provides badly needed additional funds for fraud-fighting efforts at the FBI, the Department of Justice, and other agencies. It also makes critical changes to our existing criminal fraud statutes, so they capture the malfeasance in the mortgage and financial markets that we hear about every day. Last, certainly not least, it strengthens the False Claims Act to facilitate actions against Government contractors or their subcontractors for wasting Government money.

First, I want to say a few words about the additional resources authorized by this bill. In recent years, the number of fraud cases has ballooned. Last month, the Director of the FBI, Robert Mueller, told the Judiciary Committee that his agency's caseload of active mortgage fraud cases, for example, has almost tripled in the past 3 years.

The FBI, along with Department of Justice and other agencies, has struggled with allocating their scarce resources. As Director Mueller testified, "these cases are straining the FBI's resources. . . . [W]e have had to shift resources from other criminal programs to address the current financial crisis."

The Fraud Enforcement and Recovery Act provides essential money for investigating and prosecuting fraud. Both in the last Congress and earlier this Congress, Senator SNOWE and I had introduced legislation, which also would have temporarily increased resources at the FBI to fight white-collar crime because we recognized that our law enforcers do not have the resources they need to fight the ever-growing caseload of fraud cases. S. 386 serves the same important end by providing \$245 million a year to the Justice Department, the FBI, and other investigative agencies.

S. 386 does more than just provide money, though; it aims to fight fraud

in a comprehensive, far-reaching manner by amending criminal laws. The changes in the Fraud Enforcement and Recovery Act will give Federal law enforcement agencies the tools they need to address some of the most nefarious criminal activity in the financial world.

As we have seen in recent years, many of our vulnerabilities in the financial sector originated from bad mortgages and dangerous derivatives. The companies in the center of the storm are the names you hear every night on the news. Of course, not every person in those companies has acted criminally. But some have. These the actors who were able to exploit holes in the regulatory system or identify problems with oversight—often with intentional disregard for the health of the economy. Unfortunately, our present laws don't neatly capture some of the criminal acts that are at the heart of financial crisis.

To that end, this bill will amend the definition of "financial institution" to extend the fraud laws to private mortgage-lending businesses that were not directly regulated or insured by the Federal Government. It will also amend the law to cover mortgage-backed derivatives—so intentional, fraudulent acts related to those instruments can be prosecuted.

The Fraud Enforcement and Recovery Act also changes the law to better capture Ponzi schemes. As it stands now, courts have held that the perpetrators of those schemes are liable only for "profits" they earned—rather than being liable for all the "proceeds" they received over the course of time.

Furthermore, the bill puts the money expended through the Troubled Asset Relief Program, the American Recovery and Reinvestment Act, and other stimulus bills under the ambit of the fraud statutes. By making this change now, we hopefully will deter the type of intentional, criminal activity that has contributed to the present financial crisis.

There is also another way we can protect the TARP and ARRA money—by strengthening civil fraud enforcement. The Fraud Enforcement and Recovery Act makes overdue changes to the False Claims Act, so that the Federal Government can recover money lost due to contractor abuse and fraud.

Through Senator GRASSLEY's efforts since the 1980s, the False Claims Act has become the powerful tool that it is today. Individuals, on behalf of the Government, or the Government itself can sue to recover money from contractors who have abused their access to Government funds. We have seen in the Iraq war context that when contractors have access to large tranches of Government money, fraud and abuse will often follow.

Yet some of the False Claims Act cases decided by courts in the last decade have made the False Claims Act less effective. One line of cases determined that fraudulent actions by sub-

contractors are not subject to the False Claims Act. A change in the Fraud Enforcement and Recovery Act plugs this hole in the existing law.

It is too late to turn back the clock and prevent today's financial crisis from happening. But we can hold the bad actors accountable now by prosecuting the perpetrators to the fullest extent of the law. The provisions of the Fraud Enforcement and Recovery Act will help ensure that our enforcement resources match the gravity of the situation before us.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

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

Mr. DURBIN. Madam President, I ask unanimous consent that Senator SHERROD BROWN of Ohio be allowed to speak at the conclusion of my remarks.

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

#### MORTGAGE FORECLOSURE CRISIS

Mr. DURBIN. Madam President, later this week, the Senate is going to consider legislation that I have been working on for 2 years. Two years ago, it was apparent to me that we were facing a mortgage foreclosure crisis in America. It was a crisis which had just begun, but it was obvious there were many victims. I had no idea when I introduced this legislation that we would be standing here 2 years later and the state of the American economy we would face.

The Senate will consider legislation I have offered to help families save their homes and avoid foreclosure. When we consider amendments to the bill, the key number to remember is 1.7 million families—1.7 million. That is the number of families we will either give a chance to save their homes or allow them to be thrown out in the street, depending on how the vote turns out. My amendment will help 1.7 million families avoid foreclosure. It will make a small change to the Bankruptcy Code to provide these families with a little bit of leverage—leverage they do not have today.

I had a meeting on Friday in my office in Chicago. Groups came from all over the city of Chicago and told me about the mortgage foreclosure crisis in that city. I love that town. I am honored to represent it. But there are neighborhoods that are in serious trouble and not because folks aren't keeping up their homes—they do. They have fierce pride in their little bungalows and homes they maintain. It is not because they aren't proud of their churches they attend and temples and synagogues. That is always a part of life in most cities, and it certainly is in Chicago. And not because the kids aren't out playing on the playgrounds and reflecting the values of their families. No, it is usually because there is one house on the block that has gone into foreclosure.

You may think to yourself: So what. That is only one house. But imagine in your own hometown, in your own neighborhood, if that house next door went into foreclosure. Imagine it was vacant, with plywood on all the windows, and you started noticing that not only was the lawn not being tended to, it was becoming a vacant lot for trash to accumulate. Then the word was out that there were vandals who were stripping the copper tubing and piping out of that house. The next thing you know, there are rumors about drug gangs using it late at night.

That is the reality of these neighborhoods, and it is the reality of mortgage foreclosure. It is not just the economic loss for the neighbors. It is the loss of a neighborhood spirit. That is what foreclosure brings us.

You say to yourself: You know that family that was in there, they just made a terrible decision on a mortgage. Some of them did. Some of them were misled into those terrible decisions.

Have you ever been to a closing to buy a home? Do you remember that stack of papers they put on the table in front of you? They would turn the corner over and they would say: Keep signing.

What is this?

Oh, it is a Federal Government form. The banks looked at it; the realtors looked at it; everything is fine. Keep going. Here is a check. Sign this. Now here is your payment book. In 60 days make your first payment.

Secreted in some of these documents were provisions that a lot of people did not understand. Sometimes the whole process was a fraud. In the worst of times, many of these mortgage brokers were saying to people:

How much money do you make?

Oh, \$50,000, \$60,000.

Oh, that is great. We will put you in a nice little house, we will give you an adjustable rate mortgage and the house will go up in value and everything will be fine.

They call them no-doc mortgages. That meant no documentation. The borrower, the person buying the home, did not have to produce a single document to indicate their income or net worth.

We have a little provision in the Department of Treasury, Internal Revenue Service. If you spend a few dollars and fill out a form, we will verify what your income is so the people who are loaning the money are going to have verification. That was not even asked for. Why? Because the folks who were doing these deals wanted to get them done and get out of town and they did. They left behind a mess in community after community, in city after city.

Now, as these people face foreclosure in their homes, many of them do not know where to turn. They go back to the bank and they say to the bank: Come on, I understand I can get a low interest rate now. Maybe I can stay in this home. I am not going to default

and I will not lose the home. It will not be foreclosed.

Do you know what the banker tells them? The banker says: Oh, we just did a credit rating on you and it turns out you are upside-down. You owe more money on your house than it is worth; therefore, your credit rating is too low. Therefore, we cannot renegotiate the mortgage, therefore you are going to face foreclosure.

That's the Catch-22 reality of mortgage foreclosure today.

I told a story to some people the other day. I got on an airplane to fly from Washington to Chicago. I do that a lot. A stewardess, flight attendant, said she wanted to talk to me. After they served the coffee and soda, the drinks on the plane, she came down and knelt down in the aisle next to me. People are looking around: What is this all about?

She said: Senator, I am a single mom. I have three kids. I have been a flight attendant on this airline for 20 years. I go to work every day and work real hard. I have a house just outside of Chicagoland area, in the metropolitan area, and I have a 7-percent mortgage on it and I cannot do it. I can't make the payments. But I know they are offering mortgages now that are down in the 4- and 5-percent range and I think I can swing it. But they will not sit down and talk to me. Nobody will talk to me. I have to default on my payment and go into foreclosure before anybody will sit and talk to me.

That is the reality of what housing is in many places across America. So, 2 years ago, I came up with this idea of changing the Bankruptcy Code. Currently, under the Bankruptcy Code, if you are facing bankruptcy and you own several pieces of real estate—a home, a vacation condo in Florida, a ranch or a farm—and you go into bankruptcy, the bankruptcy judge can take a look at the mortgage which is in foreclosure for your condo in Florida, and that bankruptcy judge can say: The fair value of that condo is X. Therefore, we will reduce the principle on the mortgage to X. We will change the interest rate, and we believe you can make the payments. You can keep your condo. The same for your farm, the same for your ranch. But your home? No deal. The bankruptcy court cannot even consider changing the mortgage terms on your home.

That has been in the law for awhile. I think it is a terrible provision. The people who want to protect that provision? Many of the banks that brought us this crisis, many of the banks that have been given billions of dollars. It's not all of them. I will tell you the good guys later on. But many of these banks that have benefited from the hundreds of billions of dollars taxpayers have put on the table have said, when it comes to a bad mortgage and a foreclosure, tough deal. They made a bad decision. They have to pay for it.

Really? These bankers who were raking in the billions of taxpayers' dollars

because of their bad deals and their rotten portfolios have said to these poor people facing foreclosure: Tough. Tough. You should have known better. You should not have made that mistake. You should have shown the wisdom and foresight that we show in the banking business.

How about that for turning the tables?

That is what this debate is all about. I don't want to see more people in bankruptcy. That is not a good outcome. But if the lenders of these mortgages know that at the end of the road, after everything else has gone on, there may be a bankruptcy judge who will sit down and look at that mortgage and say to that flight attendant: You know what. You are offering mortgages at this bank for 4 and 5 percent. You offer this woman 4.5 percent. She can make the payments and keep her home and the court is going to order it.

If they knew that could happen at the end of the day, I think those bankers would be in a position where they would want to sit down before it occurs and try to avoid the foreclosure, avoid the terrible outcome for the family and the neighborhood.

Mr. President, 1.7 million American families could save their homes with my amendment. I didn't come up with that figure; the analysts did. It makes a very small change in the Bankruptcy Code which could result in that. If it passes, it is not just a family who wins or the neighbors who win, the banks win. Do you know what it costs a bank to take a home through foreclosure? A minimum, I am told at a hearing I held, of \$50,000. That is what they lose for all the legal fees and things that are involved in a foreclosure on property. Then, do you know what happens to 99 percent of the properties that go into foreclosure? Do you know who owns them after the foreclosure? The bank. Now that bank has to worry about cutting the grass, making sure it is a presentable property, providing security if necessary. What might happen if somebody started squatting on the property—which is starting to happen. Or drug gangs started invading the building? Now it is a banker's problem, not one they signed up for but one they face.

We can save the homes of 1.7 million families with this issue. The mortgages that are under discussion here were risky instruments. Too many lenders threw caution to the wind and they issued these subprime mortgages, no-doc mortgages, mortgages with stair-step rate increases, and a lot of people were sucked in and taken advantage of.

The Mortgage Bankers Association and their cronies scoffed when we told them we were going to have even more foreclosures, but the number continues to grow. This is the cancer at the heart of this recession. This is what we have to address.

This President has worked overtime with a Recovery and Reinvestment Act, putting money back into the econ-

omy, saving jobs, creating jobs. But we have to get to the heart of this housing crisis. We have to stop what has become a steady decline of neighborhoods and real estate values in America. It affects us all.

The institutions that held billions of dollars of these mortgage assets began to fail. You remember the litany: Bear Stearns, Fannie Mae, Freddie Mac, Lehman Brothers, AIG. The global financial system started to melt down and it started with these bad mortgages. Then the American taxpayers were asked to provide \$700 billion to bail out institutions, just like the ones I have named. Lending dried up at the banks across America. Businesses had to cut back. Millions of American workers have lost their jobs.

In my home State of Illinois, we were losing on average 1,200 jobs a day—a day. Unfortunately, that continues. We think we are starting—starting to turn the corner but ever so slightly.

Trillions of dollars in savings of workers and retirees were wiped out. It happened to everybody, everybody who was in an investment with a 401(k) or IRA or even a pension plan. Eventually, even safe mortgages were put at risk. It started with subprime mortgages. Now it is starting to spread. Credit Suisse now estimates that 8.1 million mortgages could fail in the next few years. It is not over. What does that represent? One out of every six homes in America could face foreclosure.

When I gave this speech a year ago and called for this measure, people came to the floor and said: Durbin, you are exaggerating. It is not that bad. It is going to get well. People will be fine.

That has not happened. Just the opposite has happened.

It does not have to be this way. Many of these mortgages can be slightly modified and people can stay in their homes. The banks can still profit and families can still have a place for a future. If we can save these homes, the value of the assets based on these mortgages could regain much of their value. The institutions that hold billions of dollars of these assets, such as Citigroup, JPMorgan Chase, Bank of America, Wells Fargo, and many others could return to full health more quickly. Confidence might return to the financial system. The American taxpayers would get their money back much earlier from the institutions we bailed out with hard-earned taxpayer dollars. Lending would ramp up at a more rapid pace. Businesses might feel more confidence.

The banks have said all along we don't need any change in the law, we will take care of this problem. Look what has happened. As they promised us they would take care of it, they didn't. More and more homes went into default and face foreclosure because they won't sit down and make the deal. Why wouldn't they? If they face \$50,000 in losses on these foreclosures, if they have all these new obligations, at the

end of the day why wouldn't they sit down?

I will tell you why. For many of them, they don't want to concede the fact that they created this crisis. Second, many of them believe that at the end of the day Uncle Sam and the taxpayers of America will ride to the rescue, buying these mortgage securities, taking care of these banks, saving them after the bottom falls out of the real estate market and housing market in America. What an awful outcome, that all these families would have to go through all this suffering, that all these neighborhoods would have all these problems, so at the end of the day the banks that made the original bad mortgages would be rescued. That must be what they are thinking.

The groups that are leading the charge against me on this are familiar names on Capitol Hill: The Mortgage Bankers Association, the people who brought us this wonderful subprime mortgage crisis, they oppose my bill; the Financial Services Roundtable, the biggest names in financial services in this Nation, the ones who have had their hands out for Federal money, oppose this idea of helping people facing foreclosure; and the American Bankers Association. What a disappointment. What a disappointment that a great association such as that, representing so many good banks, would not even sit down at the table to discuss this provision. It is a source of great disappointment to me because, as a Congressman and Senator, I have worked with them on so many issues. I have never found them more unyielding and unreasonable than on this issue.

They say: Don't worry about it, Senator, we are experts. We are going to handle it. Don't tell us what we need to do.

Many of those same banks are the first in line when it comes to Federal money. In effect, they have said we have created these rotten mortgages in the first place. Then we sliced them up into securities and sold them to investors all over the world as though there were no risks involved, although we knew better. They tell us we made billions of profits on the backs of homeowners, and then we took billions more from the taxpayers when the mortgages went bad, but don't make us solve the crisis. The Mortgage Bankers and American Banking Association says: We will handle it by ourselves. Time will take care of it.

That was effectively the message of the leading banking associations when, for the last several months, we have begged them, pleaded with them to sit down and work this out. They have refused. They have been adamant.

The Independent Community Bankers of America and the National Association of Federal Credit Unions—a group which I always supported in the past—they have had a little different message. They said: We didn't cause this crisis. Why should we be part of any plan to solve it?

We tried lengthy negotiations to address their concerns. We told them this solution will help the economy, will help their borrowers, and basically help their clients. And they just will not buy it.

I can tell them this. It is time for Congress to act and I hope we can muster the courage and find the votes, although I know it is going to be hard, hard to imagine that today the mortgage bankers would have clout in this Chamber, but they do.

They have a lot of friends still here. They are still big players on the American political scene. They have said to their friends: Stay away from this legislation. Do not vote for it.

Some of them will follow their lead. Not everyone has walked away from this responsible solution. The amendment which we will vote on a little later this week has the support of CitiGroup, the Center for Responsible Lending, and many other leading homeowner advocacy groups such as the AARP, the Leadership Council on Civil Rights, the Consumer Federation of America, and dozens of other groups. They have worked with me to craft a responsible, reasonable proposal to give lenders a clear incentive to work hard to keep families in their homes.

The amendment I am going to offer will make a modest change in the Bankruptcy Code with a lot of conditions. It will not apply across the board. In the past, some of my colleagues have understood the need for action but have been uncomfortable with some of the original language. So let me be clear. This amendment is very different. This amendment limits the assistance in bankruptcy to situations where lenders are so intransigent that they are unwilling to cooperate with the two primary foreclosure prevention efforts already underway, the Obama administration's Homeowner Assistance and Stability Plan, and the congressionally created HOPE for Homeowners Refinancing Program, which this bill will greatly improve.

I am not going to go into further detail, but I want to say to my colleagues in the Senate and those who follow this debate, this is not the first time I have come to the Senate floor in the 13 years I have served to raise issues involving the exploitation of American consumers. I can recall the bankruptcy reform debate, had that a few years back, and I offered a simple amendment. Here is what it said: If you, as a lender, are guilty of predatory lending practices—in other words, if you have violated the law in the way that you have suckered in people to sign up for the mortgages, then you cannot show up at the bankruptcy court and ask that court order the person in bankruptcy to pay you. Your hands are not clean. You are a predatory lender.

At that time, many years ago, opposing my amendment was Senator Phil Gramm of Texas. Phil Gramm of Texas and I have an opposite political philosophy. He is a very articulate and a very

smart man, and he was debating me. Do you remember what he said during the course of the debate? He said:

If the Durbin amendment passes—

This is about 8 years ago.

If the Durbin amendment passes, that will be the end of subprime mortgages.

Think about that. If 8 years ago we would have put an end to these subprime mortgages with that amendment, would we be in the mess we are in today? Well, perhaps, but perhaps not. We called the amendment for a vote. The amendment said the banks that were guilty of predatory lending could not recover in bankruptcy, and I lost by one vote. One vote.

I thought to myself so many times as this recession has unfolded how it might have been different if somebody had stood up at that moment in time, just one more Senator for consumers across America. This will be another test. Who is going to win this debate, the mortgage bankers, the American Bankers Association, or the consumers across this country? The flight attendant on that flight, a single mom with three kids, her one asset in life is her home, and she is about to lose it? All she wants is a chance to renegotiate that mortgage and no one will sit down and talk with her. They would rather see her go all the way through default and foreclosure. It is an outrageous situation. It is repeated over and over and over.

We will have this debate this week. I hope this amendment can prevail. We are going to work hard to make sure we do everything we can so that it passes.

Then next week we are going to take up the credit card issue. We will be back with our friends in the banking industry. The American people know a lot about credit cards, and they know what this industry has done. The President said in a meeting last week: This is another industry that is entitled to make a profit but not entitled to exploit America's families and consumers. He is right. This will be a real test of my colleagues in the next few weeks in the Senate. First, we come to mortgage foreclosure, and then when it comes to credit cards, as to whether we are going to stand up on the side of working people in America, families struggling to get by, struggling with debt, who need someone to speak up for them, we can do that in the Senate. I sincerely hope we do.

I yield the floor.

THE PRESIDING OFFICER. Expressions of approval and disapproval are not permitted.

The Senator from Ohio is recognized.

#### TRADE POLICY

Mr. BROWN. Madam President, I actually approve of the Senator's comments. In this case I want to express that.

In the last few weeks, there has been a good bit of discussion in the media

and in Washington, not much around the country, but in the media and in Washington, about continuing the Bush trade policy by promoting the trade pacts he negotiated before leaving office.

We know President Bush pushed the Central American Free Trade Agreement through the Congress after his father and President Clinton had pushed through the North American Free Trade Agreement. And we know that continuing the Bush trade policy would be a mistake.

Look at what has happened in States such as Ohio and New Hampshire. Look all over this country. You can see not simply the incredible job loss middle-class families have suffered, not just their own job loss, what that means to a neighborhood, what that means to a community, what it means to police and fire protection and the layoffs of city workers and the general malaise that surrounds those in the community with major layoffs, but it has also meant years of stagnant wages. We have seen, since this huge loss of manufacturing jobs, since this exploding of our trade deficit, years of stagnant wages where most of America simply has not gotten a pay raise in real dollars.

A combination of the current recession and manufacturing jobs lost as a result of wrong-headed trade policies have taken their toll on community after community in Ohio. From the North American Free Trade Agreement to the Central American Free Trade Agreement, from Permanent Normal Trade Relations with China, to failing to enforce our trade laws, our Nation's trade policy in the last decade, pure and simple, has betrayed America's middle class.

Last year alone our trade deficit topped \$700 billion. We have every day, yesterday—Saturday, Friday, tomorrow, the next day, all week, every day—a trade deficit of \$2 billion, a \$2 billion a day trade deficit. If you spent a dollar every second of every minute of every hour of every day, it would take you 63 years to spend \$2 billion.

We have a \$2 billion trade deficit every day. The first President Bush said a billion dollar trade surplus or a billion dollar trade deficit translates into some 13,000 jobs gained or lost. A \$1 billion trade surplus means you are manufacturing and selling \$1 billion more out of the country than you are importing. That is a 13,000 job gain. A \$1 billion trade deficit is the reverse, is a 13,000 job loss. That is according to President Bush the first.

So you can do the math. A \$700 billion trade deficit is a lot of lost jobs. This is a net trade deficit. This is imports minus exports or exports minus imports. Our trade deficit has resulted in our Nation not only importing goods and services and building that trade deficit and seeing the kinds of numbers of lost jobs, it is also importing the dangerous safety standards of our trading partners.

In Toledo, OH, several patients died after taking contaminated heparin for their heart conditions. The manufacturers of heparin had outsourced the making of the drug. As a result, they did not know where the contaminated ingredients came from. It has also happened in vitamins; it has also happened in other pharmaceuticals. It has happened in dog food, where the manufacturers of these dog foods or, in the case of the dog food, or the manufacturer of the pharmaceuticals, the companies have moved offshore, have bought ingredients—outsourced these ingredients—have bought them from all kinds of subcontractors, whom they generally cannot trace very well.

They have come back into the United States and caused significant damage, sometimes to the point of death for too many Americans.

The same with toys. Professor Jeffrey Weidenhamer, a professor at Ashland University, not far from where I grew up in Ohio, took his freshman chemistry class and went out and bought very inexpensive toys at Halloween and Christmas last year and then tested these toys for lead-based paint and found a significant number of them had far too high levels, dangerously high levels for children.

These were products made by an American company but outsourced. The production was outsourced to China. These companies then subcontracted with all kinds of small Chinese operations and at the same time pushed them every year to cut costs. So what happened? These companies used the cheapest, the easiest to apply paint, which happened to be lead-based paint, which is put on these products, which then make their way back into the United States and show up in the homes of children in Avon Lake and Bucyrus, OH.

Whether it is patients in Toledo, whether it is children who are using these toys in Zanesville, or whether it is workers who have lost their jobs because of trade agreements, it is clear our trade direction is not working. It is clear the trade agenda given us by the Bush administration, inherited by the Bush administration, should not be continued.

Make no mistake about it: I want trade, I want more of it. I want it under a different set of rules. That is why I will be asking the Government Accountability Office to conduct a comprehensive study on our current trade agreements. A GAO report on trade would provide a nonideological, nonpartisan analysis of what is working, and what is not working in our trade policy. It is an important step toward redirecting U.S. trade policy that will provide critical solutions for our Nation's recovery strategy.

The basic premise of redirecting U.S. trade policy is that we must see evidence that our trade model is working before we pass new trade agreements. Why should we pass a trade agreement negotiated by the Bush administration

with Panama or with Colombia or with South Korea, when those trade agreements are based on the NAFTA, CAFTA trade model, the same kind of trade agreement that surely has cost us jobs? If you do not believe it has cost us jobs, first, you are not looking at the statistics, but even if you do not believe it, let's go back and have that dispassionate analysis, nonideological, nonpartisan principled analysis of NAFTA, of CAFTA, of our trade policy with China before we move on and pass further trade agreements.

At the same time, during the last 8 years, the Bush administration never accepted a 301 petition to help us with trade enforcement, including a petition for an investigation of Chinese currency practices, and a petition of Chinese workers' rights. Are the Chinese using slave labor, child labor? The Bush administration would not even examine it. They dismissed those 301 petitions in a matter of, in one case, less than a day. The Bush administration also never acted on 421 cases even when the International Trade Commission found injury.

The nonenforcement has left struggling companies in my State, small manufacturing companies in New Hampshire, the Presiding Officer's State, unable to compete against unfair trade practices.

I am encouraged by the Obama administration's emphasis on trade enforcement. I want to see Congress work with the President to ensure the trade enforcement is a governmentwide practice.

Finally, I believe Congress should give President Obama the authority to negotiate better trade deals. But I do not believe we can give President Obama or any President a blank check on these trade agreements. Congress needs a stronger role in the process. That means Congress must review, must renegotiate, must revitalize trade. That is why Congress should enact the Trade Reform Accountability Development and Employment Act I introduced in the last Congress and plan to introduce soon in this Congress.

The trade act is forward looking. It is a pro-trade piece of legislation that requires a review of existing trade agreements and then provides a process to renegotiate existing trade agreements, when necessary. It outlines principles on labor standards, on the environment, on investment, on food safety, on consumer product safety, such as children's toys, to be included in future trade agreements, something that has never been included. Any consequential provisions, none of them have ever been included in any of these trade agreements on labor, on investment, on environment, on food safety, on consumer product safety.

With any delegation of its authority to negotiate better trade deals, Congress must ensure negotiating objectives are binding and that there is a



congressional vote on a trade agreement before it is signed by the President.

From on high, the President cuts all the special interest deals. We saw that in the Bush years and, frankly, we saw it too often in the Clinton years, the first Bush and the Reagan years also. The trade negotiators would cut their special interest deals, send the agreement to Congress, and Congress had to vote, after the President had signed on, either up or down. Reasserting congressional authority must also ensure Congress's public policy prerogatives are respected by international trade organizations such as the World Trade Organization. We must not find our public policy subject to corporate rights of action at the WTO or NAFTA that outweighs the Government's responsibility to preserve the public welfare.

What has happened is the corporate rights have been respected but not rights of workers, not rules to protect the environment or consumer safety and food safety.

A global system such as the WTO that doesn't give countries policy space risks the very legitimacy of global institutions. Countries should have sovereignty. If Canada wants to pass a strong environmental rule, if Mexico wants to pass a strong food safety law, who are we, in a world trade body or as another government, or who is someone in a corporation to tell those countries they can't pass a strong environmental law or a strong food safety law.

I recognize the framework I have outlined is only one strategy, but we can all agree our current trade model has not been working. When we change the process for writing trade deals, we can make trade deals work for more people in our country and for people living in the countries who are our trading partners. We have seen demonstrations in Central America against trade agreements, understanding that these trade agreements have so often overridden consumer protection rules in their countries. We see people in our country complain of trade agreements because workers lose jobs, because safe drinking water is not protected under these agreements. It is time these trade agreements are written for communities, for workers, and for small businesses. They have not been in the past. This is our chance to set out a new direction on trade.

#### CONGO CONFLICT MINERALS ACT OF 2009

Mr. DURBIN. Madam President, I want to pause from the press of daily business to consider the situation in the Democratic Republic of Congo. I have frequently come to the floor to talk about the tragedy in Darfur—yet the situation in Congo is worth as much attention.

The Democratic Republic of Congo has been devastated by civil war, conflict and a humanitarian crisis. Since

1998, there have been an estimated 5.4 million deaths. The poverty and insecurity in Congo is pandemic. Illegal armed groups and military forces commit widespread human rights violations with impunity. The conflict there still results in an estimated 45,000 deaths each month.

This is a tragic situation, deserving of the international community's attention.

My colleague from Kansas, Senator BROWBACK, and I traveled to the DRC together a couple of years ago. Congo is, in many ways, a beautiful country, rich in natural resources.

But, like so many other places in the world, Congo's natural resources have also become a curse. Warring factions struggle for control of resources to pursue their own political aims. During our trip, Senator BROWBACK and I learned that armed factions are plundering the mineral resources of eastern Congo and that illegal trade in these minerals is essentially financing the violence there.

We witnessed first-hand atrocities in eastern Congo—atrocities of horrific and inhumane proportions. Armed groups perpetrate unspeakable acts of sexual violence against women and girls to humiliate and terrorize communities and weaken their resistance.

I have met several times with a true modern day hero, Dr. Denis Mukwege, who runs the Panzi hospital of Bukavu, Congo. The Panzi hospital specializes in treatment for victims of sexual violence. The hospital performs surgeries and provides psychological counseling for these victims, but Dr. Mukwege and his staff are overwhelmed by the number of women seeking assistance.

Last year, I held a Judiciary hearing on rape as weapon of war. This is happening every day in the Democratic Republic of Congo. Rape and other forms of sexual violence affect hundreds of thousands of women and girls there, resulting in severe injuries, longterm psychological trauma, and immeasurable destructive impacts on the communities there. This war is being financed, at least in part, by the illegal trade in these minerals.

So what can we in the United States do about this? Well, many of these minerals end up right here in the U.S. and in many other countries, because they are used for everyday electronics products. Our cell phones, BlackBerrys, computers, and many other commonly used electronics contain these minerals.

Senator BROWBACK and I, along with Senator FEINGOLD, who chairs the Africa Subcommittee of the Foreign Relations Committee, have introduced legislation to create more transparency about the end users of these minerals in the United States.

The Congo Conflict Minerals Act of 2009 would require companies that are involved in commercial activities involving three minerals (coltan, cassiterite, and wolframite) to disclose the country of origin of the minerals to

the Securities and Exchange Commission. If the minerals are from DRC or neighboring countries, companies would have to also disclose the mine of origin.

We want to know where U.S. companies are getting these minerals, and we want to work with them to promote responsible practices and due diligence to ensure that their suppliers provide raw materials in a way that does not support the armed conflict or contribute to human rights abuses.

In the longer-term, we hope that Congo and its neighbors will establish a regional framework to prevent the illicit trade of these minerals. In the meantime, we can take this step to work with U.S. companies to ensure they are not inadvertently fueling the conflict in the Democratic Republic of Congo.

#### MUSLIM MIDDLE EAST

Mr. KYL. Madam President, in an April 16 Wall Street Journal column, "Speaking Truth to Muslim Power," former CIA officer and Middle East expert Reuel Marc Gerecht writes about the fierce internal debates over Islam, jihadism, and modernity within the Muslim Middle East.

As Gerecht writes, while Western countries cannot determine the outcome of those debates, they can help shape them and provide a boost to Muslim reformers. While it is fashionable to criticize President George W. Bush's Middle East policies, Gerecht says that Arab democracy activists "have never been so hopeful as they were" from 2002 to 2006, during which time democracy promotion flourished. He argues that President Bush's pro-democracy rhetoric "energized the discussion of representative government and human rights abroad."

I ask unanimous consent that Mr. Gerecht's column be printed in the RECORD, and I urge my colleagues to consider his thoughtful views.

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

[From The Wall Street Journal, Apr. 16, 2009]

#### SPEAKING TRUTH TO MUSLIM POWER

(By Reuel Marc Gerecht)

"The United States is not at war with Islam and will never be. In fact, our partnership with the Muslim world is critical in rolling back a fringe ideology that people of all faiths reject."

So spoke President Barack Hussein Obama in Turkey last week. Following in the footsteps of the Bush administration, Mr. Obama wants to avoid labeling our enemy in religious terms. References to "Islamic terrorism," "Islamic radicalism," or "Islamic extremism" aren't in his speeches. "Jihad," too, has been banished from the official lexicon.

But if one visits the religious bookstores near Istanbul's Covered Bazaar, or mosque libraries of Turkish immigrants in Rotterdam, Brussels or Frankfurt, one can still find a cornucopia of radical Islamist literature. Go into the bookstores of Arab and Pakistani immigrant communities in Europe, or into

the literary markets of the Arab world and the Indian subcontinent, and you'll find an even richer collection of militant Islamism.

Al Qaeda is certainly not a mainstream Muslim group—if it were, we would have had far more terrorist attacks since 9/11. But the ideology that produced al Qaeda isn't a rivulet in contemporary Muslim thought. It is a wide and deep river. The Obama administration does both Muslims and non-Muslims an enormous disservice by pretending otherwise.

Theologically, Muslims are neither fragile nor frivolous. They have not become suicide bombers because non-Muslims have said something unkind; they have not refrained from becoming holy warriors because Westerners avoided the word "Islamic" in describing Osama bin Laden and his allies. Having an American president who had a Muslim father, carries the name of the Prophet Muhammad's grandson, and wants to engage the Muslim world in a spirit of "mutual respect" isn't a "game changer." This hypothesis trivializes Islamic history and the continuing appeal of religious militancy.

Above all else, we need to understand clearly our enemies—to try to understand them as they see themselves, and to see them as devout nonviolent Muslims do. To not talk about Islam when analyzing al Qaeda is like talking about the Crusades without mentioning Christianity. To devise a hearts-and-minds counterterrorist policy for the Islamic world without openly talking about faith is counterproductive. We—the West—are the unrivalled agent of change in the Middle East. Modern Islamic history—including the Bush years—ought to tell us that questions non-Muslims pose can provoke healthy discussions.

The abolition of slavery, rights for religious minorities and women, free speech, or the very idea of civil society—all of these did not advance without Western pressure and the enormous seductive power that Western values have for Muslims. Although Muslims in the Middle East have been talking about political reform since they were first exposed to Western ideas (and modern military might) in the 18th century, the discussion of individual liberty and equality has been more effective when Westerners have been intimately involved. The Middle East's brief but impressive "Liberal Age" grew from European imperialism and the unsustainable contradiction between the progressive ideals taught by the British and French—the Egyptian press has never been as free as when the British ruled over the Nile valley—and the inevitably illiberal and demeaning practices that come with foreign occupation.

Although it is now politically incorrect to say so, George W. Bush's democratic rhetoric energized the discussion of representative government and human rights abroad. Democracy advocates and the anti-authoritarian voices in Arab lands have never been so hopeful as they were between 2002, when democracy promotion began to germinate within the White House, and 2006, when the administration gave up on people power in the Middle East (except in Iraq).

The issue of jihadism is little different. It's not a coincidence that the Muslim debate about holy war became most vivid after 9/11, when the U.S. struck back against al Qaeda in Afghanistan and Saddam Hussein in Iraq. Many may have found Mr. Bush's brief use of the term "Islamofascism" to be offensive—although it recalls well Abul Ala Maududi, a Pakistani founding father of modern Islamic radicalism, who openly admired European fascism as a violent, muscular ideology capable of mobilizing the masses. Yet Mr. Bush's flirtation with the term unquestionably pushed Muslim intellectuals to debate the le-

gitimacy of its use and the cult of martyrdom that had—and may still have—a widespread grip on many among the faithful.

When Sunni Arab Muslims viewed daily on satellite TV the horrors of the Sunni onslaught against the Iraqi Shiites, and then the vicious Shiite revenge against their former masters, the debate about jihadism, the historic Sunni-Shiite rivalry, and the American occupation intensified. Unfortunately, progress in the Middle East has usually happened when things have gotten ugly, and Muslims debate the mess.

Iran's former president Mohammed Khatami, whom Bill Clinton unsuccessfully tried to engage, is a serious believer in the "dialogue of civilizations." In his books, Mr. Khatami does something very rare for an Iranian cleric: He admits that Western civilization can be morally superior to its Islamic counterpart, and that Muslims must borrow culturally as well as technologically from others. On the whole, however, he finds the West—especially America—to be an amoral slippery slope of sin. How should one talk to Mr. Khatami or to Ayatollah Ali Khamenei, the less curious but morally more earnest clerical overlord of Iran; or the Saudi royal family and their influential state-supported clergy, who still preach hatred of the West; or to the faithful of Pakistan, who are in the midst of an increasingly brutal, internecine religious struggle? Messrs. Khatami and Khamenei are flawlessly polite gentlemen. They do not, however, confuse civility with agreement. Neither should we.

It's obviously not for non-Muslims to decide what Islam means. Only the faithful can decide whether Islam is a religion of peace or war (historically it has been both). Only the faithful can banish jihad as a beloved weapon against infidels and unbelief. Only Muslims can decide how they balance legislation by men and what the community—or at least its legal guardians, the ulama—has historically seen as divine commandments.

Westerners can, however, ask probing questions and apply pressure when differing views threaten us. We may not choose to dispatch the U.S. Navy to protect women's rights, as the British once sent men-of-war to put down the Muslim slave trade, but we can underscore clearly our disdain for men who see "child brides" as something vouchsafed by the Almighty. There is probably no issue that angers militants more than women's rights. Advancing this cause in traditional Muslim societies caught in the merciless whirlwind of globalization isn't easy, but no effort is likely to bear more fruit in the long term than having American officials become public champions of women's rights in Muslim lands.

Al Qaeda's Islamic radicalism isn't a blip—a one-time outgrowth of the Soviet-Afghan war—or a byproduct of the Israeli-Palestinian confrontation. It's the most recent violent expression of the modernization of the Muslim Middle East. The West's great transformative century—the 20th—was soaked in blood. We should hope, pray, and do what we can to ensure that Islam's continuing embrace of modernity in the 21st century—undoubtedly its pivotal era—will not be similarly horrific.

We are fooling ourselves if we think we no longer have to be concerned about how Muslims talk among themselves. This is not an issue that we want to push the "reset" button on. Here, at least, George W. Bush didn't go nearly far enough.

#### JOINT COMMITTEE ON PRINTING RULES OF PROCEDURE

Mr. SCHUMER. Madam President, on April 23, 2009, the Joint Committee on

Printing organized, elected a chairman, a vice chairman, and adopted its rules for the 111th Congress. Members of the Joint Committee on Printing elected Senator CHARLES E. SCHUMER as chairman and Congressman ROBERT BRADY as vice chairman. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

#### RULES FOR THE JOINT COMMITTEE ON PRINTING—111TH CONGRESS

##### RULE 1.—COMMITTEE RULES

(a) The rules of the Senate and House insofar as they are applicable, shall govern the Committee.

(b) The Committee's rules shall be published in the Congressional Record as soon as possible following the Committee's organizational meeting in each odd-numbered year.

(c) Where these rules require a vote of the members of the Committee, polling of members either in writing or by telephone shall not be permitted to substitute for a vote taken at a Committee meeting, unless the ranking minority member assents to waiver of this requirement.

(d) Proposals for amending Committee rules shall be sent to all members at least one week before final action is taken thereon, unless the amendment is made by unanimous consent.

##### RULE 2.—REGULAR COMMITTEE MEETINGS

(a) The regular meeting date of the Committee shall be the second Wednesday of every month when the House and Senate are in session. A regularly scheduled meeting need not be held if there is no business to be considered and after appropriate notification is made to the ranking minority member. Additional meetings may be called by the Chairman, as he may deem necessary or at the request of the majority of the members of the Committee.

(b) If the Chairman of the Committee is not present at any meeting of the Committee, the vice-Chairman or ranking member of the majority party on the Committee who is present shall preside at the meeting.

##### RULE 3.—QUORUM

(a) Five members of the Committee shall constitute a quorum, which is required for the purpose of closing meetings, promulgating Committee orders or changing the rules of the Committee.

(b) Three members shall constitute a quorum for purposes of taking testimony and receiving evidence.

##### RULE 4.—PROXIES

(a) Written or telegraphic proxies of Committee members will be received and recorded on any vote taken by the Committee, except for the purpose of creating a quorum.

(b) Proxies will be allowed on any such votes for the purpose of recording a member's position on a question only when the absentee Committee member has been informed of the question and has affirmatively requested that he be recorded.

##### RULE 5.—OPEN AND CLOSED MEETINGS

(a) Each meeting for the transaction of business of the Committee shall be open to the public except when the Committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public. No such vote shall be required to close a meeting that relates solely to internal budget or personnel matters.

(b) No person other than members of the Committee, and such congressional staff and other representatives as they may authorize, shall be present in any business session that has been closed to the public.

**RULE 6.—ALTERNATING CHAIRMANSHIP AND VICE-CHAIRMANSHIP BY CONGRESSES**

(a) The Chairmanship and vice-Chairmanship of the Committee shall alternate between the House and the Senate by Congresses: The senior member of the minority party in the House of Congress opposite of that of the Chairman shall be the ranking minority member of the Committee.

(b) In the event the House and Senate are under different party control, the Chairman and vice-Chairman shall represent the majority party in their respective Houses. When the Chairman and vice-Chairman represent different parties, the vice-Chairman shall also fulfill the responsibilities of the ranking minority member as prescribed by these rules.

**RULE 7.—PARLIAMENTARY QUESTIONS**

Questions as to the order of business and the procedures of the Committee shall in the first instance be decided by the Chairman; subject always to an appeal to the Committee.

**RULE 8.—HEARINGS: PUBLIC ANNOUNCEMENTS AND WITNESSES**

(a) The Chairman, in the case of hearings to be conducted by the Committee, shall make public announcement of the date, place and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the Committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the Chairman shall make such public announcement at the earliest possible date. The staff director of the Committee shall promptly notify the Daily Digest of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, all witnesses appearing before the Committee shall file advance written statements of their proposed testimony at least 48 hours in advance of their appearance and their oral testimony shall be limited to brief summaries. Limited insertions or additional germane material will be received for the record, subject to the approval of the Chairman.

**RULE 9.—OFFICIAL HEARING RECORD**

(a) An accurate stenographic record shall be kept of all Committee proceedings and actions. Brief supplemental materials when required to clarify the transcript may be inserted in the record subject to the approval of the Chairman.

(b) Each member of the Committee shall be provided with a copy of the hearing transcript for the purpose of correcting errors of transcription and grammar, and clarifying questions or remarks. If any other person is authorized by a Committee member to make his corrections, the staff director shall be so notified.

(c) Members who have received unanimous consent to submit written questions to witnesses shall be allowed two days within which to submit these to the staff director for transmission to the witnesses. The record may be held open for a period not to exceed two weeks awaiting the responses by witnesses.

(d) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the Committee. Testimony received in closed hearings shall not be released or included in any report without the approval of the Committee.

**RULE 10.—WITNESSES FOR COMMITTEE HEARINGS**

(a) Selection of witnesses for Committee hearings shall be made by the Committee

staff under the direction of the Chairman. A list of proposed witnesses shall be submitted to the members of the Committee for review sufficiently in advance of the hearings to permit suggestions by the Committee members to receive appropriate consideration.

(b) The Chairman shall provide adequate time for questioning of witnesses by all members, including minority members and the rule of germaneness shall be enforced in all hearings notified.

(c) Whenever a hearing is conducted by the Committee upon any measure or matter, the minority on the Committee shall be entitled, upon unanimous request to the Chairman before the completion of such hearings, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

**RULE 11.—CONFIDENTIAL INFORMATION FURNISHED TO THE COMMITTEE**

The information contained in any books, papers or documents furnished to the Committee by any individual, partnership, corporation or other legal entity shall, upon the request of the individual, partnership, corporation or entity furnishing the same, be maintained in strict confidence by the members and staff of the Committee, except that any such information may be released outside of executive session of the Committee if the release thereof is effected in a manner which will not reveal the identity of such individual, partnership, corporation or entity in connection with any pending hearing or as a part of a duly authorized report of the Committee if such release is deemed essential to the performance of the functions of the Committee and is in the public interest.

**RULE 12.—BROADCASTING OF COMMITTEE HEARINGS**

The rule for broadcasting of Committee hearings shall be the same as Rule XI, clause 4, of the Rules of the House of Representatives.

**RULE 13.—COMMITTEE REPORTS**

(a) No Committee report shall be made public or transmitted to the Congress without the approval of a majority of the Committee except when Congress has adjourned: provided that any member of the Committee may make a report supplementary to or dissenting from the majority report. Such supplementary or dissenting reports should be as brief as possible.

(b) Factual reports by the Committee staff may be printed for distribution to Committee members and the public only upon authorization of the Chairman either with the approval of a majority of the Committee or with the consent of the ranking minority member.

**RULE 14.—CONFIDENTIALITY OF COMMITTEE REPORTS**

No summary of a Committee report, prediction of the contents of a report, or statement of conclusions concerning any investigation shall be made by a member of the Committee or by any staff member of the Committee prior to the issuance of a report of the Committee.

**RULE 15.—COMMITTEE STAFF**

(a) The Committee shall have a staff director, selected by the Chairman. The staff director shall be an employee of the House of Representatives or of the Senate.

(b) The Ranking Minority Member may designate an employee of the House of Representatives or of the Senate as the minority staff director.

(c) The staff director, under the general supervision of the Chairman, is authorized to deal directly with agencies of the Government and with non-Government groups and individuals on behalf of the Committee.

(d) The Chairman or staff director shall timely notify the Ranking Minority Member or the minority staff director of decisions made on behalf of the Committee.

**RULE 16.—COMMITTEE CHAIRMAN**

The Chairman of the Committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee. Specifically, the Chairman is authorized, during the interim periods between meetings of the Committee, to act on all requests submitted by any executive department, independent agency, temporary or permanent commissions and committees of the Federal Government, the Government Printing Office and any other Federal entity, pursuant to the requirements of applicable Federal law and regulations.

## **DRAKE RELAYS**

Mr. GRASSLEY. Madam President. I wish to pay tribute to a 100-year tradition in my home State of Iowa. This past weekend, the Drake Relays in Des Moines, IA, celebrated a century of competition for the world's elite track and field athletes.

Schools and athletes from all over the country come to Des Moines each year to compete in this classic. The display put on by the Drake community every year brings alumni, Iowans, athletes, friends, and families together to cheer competitors in victory and defeat.

The Drake Relays has been creating memorable moments for 100 years. It is moments created by Jesse Owens, Michael Johnson, Carl Lewis, Jim Ryun, Gwen Torrence, and Iowa's very own Lolo Jones, Natasha Kaiser-Brown, Kevin Little, and Joey Woody. It is unknown athletes making their own mark in history and taking the first step toward fame far beyond the borders of Iowa. It is high school kids, like my son Robin, whose capstone moment of their athletic career was participating in the Drake Relays.

Anybody who has attended the Relays understands the marvel of this one-of-a-kind sporting event. For some it is the blue track that helps athletes run a little faster, jump a little longer and higher, and throw a little further. For others it is the fans filling every seat to cheer for the athletes who cross the finish line in first and for those who cross last. And for some it is the intense competition from the high school kids all the way to the top athletes in the world who are standing shoulder to shoulder waiting for their event.

Whatever it is, there is a reason fans and athletes alike keep coming back to the Drake Relays year after year.

Just as Jesse Owens said, "There's something special about the Drake Relays."

Congratulations to the Drake Relays on 100 years of "America's Athletic Classic."

SIMON WIESENTHAL HOLOCAUST  
EDUCATION ASSISTANCE ACT

Mr. MENENDEZ. Madam President, I rise today to discuss the Simon Wiesenthal Holocaust Education Assistance Act, which I recently introduced. This important legislation would provide competitive grants for educational organizations to make Holocaust education more accessible and available throughout the Nation.

Last Tuesday, people from all corners of the Earth, representing all faiths stood together to solemnly commemorate Holocaust Remembrance Day, in memorial of perhaps the greatest crime ever perpetrated against humanity. As we reflect upon the tragedies of the events surrounding the Holocaust—the lives lost, the families destroyed, the potential unfulfilled—we must renew our commitment to never forget, so this dark chapter in history will never be repeated.

We must never forget the approximately six million Jewish men, women and children, as well as the millions of others who faced persecution, displacement, and death at the hands of the Nazis. We must remember their stories not just to honor their lives, but more importantly, to educate the next generation about the dangers of intolerance, ignorance, and bigotry.

Some may question the necessity of studying an event that—while horrific—happened over half a century ago and an ocean away. Other skeptics will argue that anti-Semitism—while terrible—is a relic of the past that simply doesn't exist in modern society. Unfortunately, we ignore history at our peril, and not recognizing and taking seriously the seeds of bigotry and anti-Semitism that have again begun to take root around the world only serves to promulgate it.

Recently, anti-Semitism has surfaced disguised in the form of anti-Israel rhetoric. The two have morphed into a virulent attack against all Jews resulting in a provocative and dangerous escalation of physical attacks against Jewish individuals, synagogues and other Jewish institutions around the world. Symbols of Nazi Germany have been used in this form of anti-Semitism as a cudgel against Jews, insulting the honor of millions of Jewish people—a people still emerging from the dark shadow cast by the Holocaust. Some have sought to rewrite history to minimize and spin the facts surrounding the Holocaust. The leadership of Iran has waged campaigns not just to alter, but to simply erase an inconvenient history. Holocaust deniers—authors and others who have the bully pulpit have smeared the truth of history—something that is regrettably so much easier to do as the Holocaust recedes in time and as those who can bear witness are dwindling in numbers.

Unfortunately, we need not look half way around the globe for examples of anti-Semitism, intolerance and hate; but rather we can look to our own neighborhoods and communities. In

Fort Lauderdale earlier this year at an anti-Israel rally, a demonstrator was heard to say “Go back to the oven. You need a big oven,” a horrific reference to the crematoria of Nazi Germany. And it saddens me to note that in my home State of New Jersey, a State of immense diversity, tolerance and understanding, we have seen a number of recent troubling anti-Semitic incidents that tear away at the decency and civility that we should expect in this great Nation.

Last December, three Glen Rock teenagers were charged with painting a swastika and the word “Jew” on the property of Jewish residents.

This past January, a Kenilworth family awoke one morning to find a Star of David and the word “Die” carved into their garage door.

Last month, Northvale public school students had to endure anti-Semitic graffiti scrawled throughout the walls of their school.

A New Jersey family made national headlines by naming their three young children Aryan Nation, Hinler, and Adolf Hitler.

As recently as last week, in Union City, where I grew up, authorities were investigating an act of arson in a classroom of a Jewish school that is being reported as a hate crime.

These troubling events do not occur in a vacuum. They are a reflection of an ever-present current of hate. We cannot sit idly and hope that time alone will heal the wounds of genocide or solve our issues of continued intolerance. We must take proactive steps to ensure that our society remembers and learns from the painful experiences of the Holocaust. Holocaust education is essential to the enlightenment, understanding, and empathy of our youngest generations and their role in history to come.

The Simon Wiesenthal Holocaust Education Act is an important step toward this goal. While some States, like New Jersey, currently require the Holocaust to be taught in public schools, this act goes further and makes grants available to organizations that instruct students, teachers, and communities about the dangers of hate and the importance of tolerance in our society. This legislation would give educators the appropriate resources and training to teach accurate historical information about the Holocaust and convey the lessons that the Holocaust can teach us today. I certainly cannot think of a better namesake for this bill, for Simon Wiesenthal honored the memories of those lost by dedicating his life to bringing those responsible for these horrific acts to justice.

Only by proper acknowledgement of the incredible loss of life during the Holocaust, will we ever be able to ensure that such an event never happens again.

It is in our common interest to raise our voices against anti-Semitism and against all hatred and discrimination. Funding accurate Holocaust edu-

cational programs is a step toward winning this battle.

So as America stands with Israel and all followers of the Jewish faith in condemning anti-Semitism, let us do everything in our power to end discrimination and educate future generations about the danger of hatred and bigotry.

I urge my colleagues to support this legislation.

NATIONAL AMERICAN CITY  
QUALITY MONTH

Ms. COLLINS. Madam President, I rise today to recognize April as the 21st Annual National American City Quality Month. Led by the National League of Cities, the U.S. Conference of Mayors, and the American City Planning Directors' Council/American City Quality Foundation, this valuable program brings together a wide range of public and private partners. Their efforts demonstrate what it takes to build great communities, addressing vital issues to include land use, building design, transportation, parks and recreation, energy efficiency, and environmental protection.

City planners across my State of Maine and throughout the Nation are calling on public and private sector leaders to commit to efforts that will lead to better planning, redevelopment and development of our Nation's cities and surrounding regions. This is essential to accommodate U.S. Census projected population growth of 34.5 million by the year 2020 and 100 million within 20 to 30 years.

This public-private partnership is necessary to meet the growing need for higher quality, more energy efficient and sustainable housing, buildings, public transportation, infrastructure, agriculture, and industry. I applaud these collaborative efforts to improve urban and rural communities across our Nation.

This collaborative planning works. Just a few weeks ago, *Forbes* magazine named Portland, ME, my State's largest city, as the most livable city in America. In addition, Portland's busy Commercial Street was voted as one of the country's great streets by the American Planning Association. The transformation of Portland did not happen by accident. It is the result of citizens and organizations working together. And American City Quality Month celebrates this effort.

## TRIBUTE TO WILLIAM TOBIN

Ms. MURKOWSKI. Madam President, I wish to honor a pioneer of Alaska journalism who did much during his 62-year career to make his adopted State of Alaska what it is today. William J. “Bill” Tobin died earlier this month at age 81, following a year-long battle with cancer.

Bill served 2 years in the U.S. Army during World War II from 1943 to 1945. He started his journalism career in 1948 working for the Associated Press in Indianapolis, IN, while still in college at

Butler University. After Indianapolis, he worked for the Associated Press in New York City and Louisville, KY. In 1956, he was moved by the AP to cover Alaska news from Juneau, then the territorial capital, staying until after statehood in 1960. He was Alaska's first national resident newsmen. He finished his 17-year AP career as the assistant bureau chief in Baltimore, MD, from 1960 to 1961 and as the bureau chief for the State of Montana from 1961 to 1963. Bill and his wife missed the beauty and excitement of Alaska, and in 1963, he began a 45-year career with Anchorage's then largest newspaper, the Anchorage Times, and later with the Voice of the Times editorial and internet publication. He retired in 2008.

During his time Mr. Tobin covered or edited stories on every major event in Alaskan history. Stories of his efforts to publish the Times in the aftermath of the Good Friday earthquake of March 27, 1964—at a revised 9.2 on the Richter scale, the largest quake every measured in North America—are legendary. The paper was published even though downtown Anchorage was literally destroyed. He edited stories on the discovery of oil on Alaska's North Slope in 1968, covered and edited debate in Congress on the Alaska Native Claims Settlement Act, and edited stories on the Trans-Alaska Pipeline Authorization Act in 1974 that permitted construction of the 800-mile pipeline that to this day moves 13 percent of the Nation's domestic oil production to market.

Mr. Tobin's career spanned several legislative milestones including the passage of a law that created a 200-mile exclusive fishery management zone around Alaska, the passage of the Alaska lands bill that placed 131 million acres of Alaska—more than a third of the State—into parks and protected land status in 1980, and a career that saw Alaska become a major training and forward deployment base for the U.S. military.

His official obituary said it best when it noted that “he was an ardent supporter of the U.S. military and men and women in uniform” and that Bill was “a tireless champion of Alaska and its potential.” His Saturday and later Sunday columns covered the personal side of life in Alaska for decades. The editorials that he and Anchorage Times Publisher Robert Atwood wrote and published did much to turn Anchorage, which at statehood had a population of several thousand, into the State's largest city with a population today of more than 275,000.

Bill was an active civic leader, serving over time as a board member or president of nearly 40 community organizations in Anchorage. At his death, he was active as associate publisher of the Roman Catholic diocese newspaper, the Catholic Anchor, based in Anchorage. He was vice chairman of the Atwood Foundation, a member of the Alaskan Command Civilian Advisory Board, a member of the University of

Alaska School of Nursing advisory board, a member of the University of Alaska Fairbanks Snedden Professor advisory board, and a member of the University of Alaska Anchorage Atwood Journalism Chair selection board. He was named Alaskan of the Year in 1988, the 1990 Anchorage Chamber of Commerce Gold Pan Award Winner for Distinguished Individual Community Service, the 2000 Outstanding Civilian of the Year by the Armed Services YMCA, the 2002 Alaska State Chamber of Commerce Alaskan of the Year, the 2004 Junior Achievement of Alaska Business Hall of Fame Laureate, and was a 2006 Honorary Doctor of Laws recipient by Gonzaga University.

Born on July 28, 1927, in southwest Missouri in the City of Joplin, Bill grew up in Tulsa, OK, Fort Worth, TX, and South Bend, IN, but he grew wise in Alaska. He knew more about Alaska's history and politics than most any other Alaskan journalist. As a person who got my start in elected office as a State representative from north Anchorage, I have firsthand knowledge that Bill was an old-school journalist who religiously checked his copy for factual accuracy and was always polite and fair to his sources on stories he covered. While he had clear and strong editorial opinions, he was always courageous in support of his newspaper's and city's goals. Bill was a wonderful family man, a devoted member of his church, and a pillar of the Alaska Republican Party, and always a true gentleman.

All of Alaska joins in offering condolences to his wife of nearly 57 years, Marjorie, and his three sons, Mike, David, and Jim, and their families. Alaska journalism and the State's political establishment are certainly poorer for his passing.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

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

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

Thank you for letting me email my thoughts and feelings regarding today's gas prices. This may not be what you expected but I am writing this email from the heart.

I am angry with our government with respect to rising gas prices. I find it so hard to believe why they want to put our country in to this situation. Everybody and every business suffers. Going places and doing things as a family has been taken from us since the first hit is putting gas in the vehicle. The hotels, restaurants, grocery stores have been forced to increase their prices. Small businesses cannot survive. We own our own business (recycling center) and the fuel costs to run our fleet is astronomical. This is outrageous and needs to stop immediately. It is only going to cause increased homeless people and poverty. Do something now before it gets any worse. Please stop this insanity and get our country back whole again. Remove speculation and reduce gas prices immediately. Thank you for letting me speak out.

ANITA, Lewiston.

Not so much a story as a plea . . . I wish I could grab every Congressman by the shoulders, look them in the eye, and say: “Either you, or your replacement, will allow us to get the energy we need!”

Right now we are heading toward environmental communism. Yet it is a fact that CO2 levels follow higher temperatures, not the other way around! That is, the Earth warms and cools on it is own, and will continue to do so, whether we use fuels or not.

CLIFF, Pocatello.

I am disgusted with [partisan behavior] and the do-nothing attitude [of so many elected officials] towards our impending energy disaster. I realize that there are pockets of trustworthy individuals who still listen to their constituents rather than special interest groups. There are those that would like nothing better than to put this nation into such a drastic depression that communism would look like heaven. I am in the agricultural business and energy prices have drastically increased my costs on every single input. It has affected the costs of diesel, gas, pvc, plastics, metal (shipping and production of), labor (have to pay more to get them out to work), fertilizers, chemicals, tires and other rubber compounds. I have seen diesel for my tractors go from \$1.50 per gallon to over \$4 per gallon in less than three years. The rest of our fleet is now having to burn \$4.70 per gallon diesel and because of the EPA and [increased regulation], these large trucks get half the fuel economy that they did in the late 1970s. Please help us before this nation comes to a grinding halt and our enemies seize the opportunity to attack.

UNSIGNED.

I am angry at oil companies for stealing from consumers and angry at Congress for [not addressing the problem].

Alternatives which should rapidly be developed are:

1. Hydro electric: clean, cheap renewable.
2. Off shore and ANWR drilling: more competition means less monopoly.
3. Nuclear: free up our private enterprise from stifling regulations and we would have an abundance of inexpensive power.
4. Biomass (slash and trash incinerators) for producing electricity or hydrogen.
5. Stop burning our forests down and allow Americans to harvest trees and build houses.

P.C.

The Governor of Alaska wants drilling to begin in Alaska. Why does Congress insist on

not allowing this? We have a vast area untapped that could produce millions of barrels of oil for Americans.

In the 70s, I remember having to wait in long lines to fill up my car. I remember Congress grandstanding that something needs to be done to secure America's future. Thirty years later, I am hearing the same rhetoric. What does it take to get Congress to take action and utilize the resources we have in this country?

Drill in Alaska, the oceans off shore, the Midwest. The average American does not care if an oil rig interferes with the ocean view of a multimillion-dollar mansion. We are fed up with the rich getting everything on the backs of the hard-working American.

LINDA.

I am writing to you in response to your request for testimonials about the prices for energy. My dad is a middle class lowboy driver in St. Maries. The prices of energy have an effect on not only my dad, but for his boss. It is depressing to see men and women in my community laid off, who cannot afford oil to heat their homes in the winter, watch their homes and possessions get foreclosed upon, and have to figure out where their source of income will be coming from. My father is very lucky to be spared this misfortune. Jobs in our community are hard to come by, because loggers cannot afford to pay outrageous diesel prices. Even one of the richest men in Idaho is suffering from sky high diesel bills. Additionally, I recently moved to Moscow to start my life at the University of Idaho. I have been in Moscow for almost a month, and have been rejected by numerous jobs. Many adults are taking jobs that teenagers and college students like myself usually take.

I do not point the blame on the oil companies; however, but I do find it hard to believe that the federal government makes more profit than the oil companies do off each barrel of oil. How is this?? How can the government have all this profit, and not make any good use of it (by means of building a new refinery, which hasn't been done in 30 years; or drilling in Alaska/ANWR; or increasing drilling in the Gulf of Mexico). The American voters are tired of oil dependency from terrorists! Please knock some sense into the liberals who insist upon this practice of dealing with the Middle East! We need to figure out a way that we can be dependent on ourselves. The only way to fix the prices on energy is to be our own supplier. Otherwise, our country will fail. We, the middle class, are the economy. In our area, we supply products that build our economy's businesses, homes, paper products, and [other important products]. We need lower fuel prices to maintain our livelihoods and jobs. I hope this somewhat helps you convince the liberals that they are not looking out for the "underdogs". If these prices keep increasing, my dad, and many of friends' parents, will be out of jobs, and scrambling to do something. Thank you for your time.

JACKIE, *Moscow*.

I am a 52-year-old woman and I have been a single parent all my life. I am now disabled. I can honestly say that if I were a single parent with small children in today's times, I would not be able to manage putting gas in my car to take my children to school and then go to work. It is hard enough just buying food with today's prices. As it is, I am disabled and I live on \$1,000. This means that I am only able to put gas in to my car once a month. With the old clunker that I have, it cost me \$75 or more to fill it up. Then that has to last me all month, which means I do not travel much.

Also, in today's world, much of the housing is equipped with only gas heating. For a sin-

gle parent that makes too much money for food stamps and heating assistance, the cost of heating apartment or house is very costly. I have to try and cut corners in everything I do when it comes to the cost of gas.

I am not sure how to change the cost of things but, I think I would certainly try obtaining petroleum in the good ole USA. I think we would have enough resources to handle the USA if one was to try hard enough. Thank you for your time and attention to America's concerns.

EUNICE.

This letter is in response to your request for personal stories chronicling the impact of \$4 per gallon gas on the lives of ordinary Idahoans. I am an ordinary Idahoan, and I am happy to report that \$4 per gallon gas has had essentially no impact on my lifestyle. Like the majority of Idahoans, I live in a city. I ride my bike or walk to work, and use my car only for out of town trips. I also own a vehicle that gets about 30 miles per gallon (mpg). The marketing efforts of Ford and GM hawking huge inefficient vehicles failed me; I drive a Subaru.

I find it disingenuous that you are requesting letters to support unsustainable lifestyles and provide welfare for poor vehicle choice decisions. With that in mind, I am providing a perspective on the merits of high fuel prices.

The impacts of more expensive fuel include: (1) fewer miles traveled by car; (2) less fuel consumption; (3) less greenhouse gases being released into the atmosphere; and (4) record usage of public transportation. These are laudable accomplishments only possible in our market-based society via pricing influences. In addition, if more of us walked or bicycled to work, perhaps we would reduce health care costs associated with the obesity epidemic.

Here are some suggestions for what you can do to lessen the impact of more expensive fuel:

1. Increase mileage standards on US made cars and foreign cars imported to the US. You should have voted to increase CAFE standards in past years. If Americans drove 35 mpg vehicles instead of big SUVs, we would have consumed, and would be consuming, much less oil. I wonder what fuel prices would be today if US consumption at the pump were half of the current rate, achieved through more efficient vehicles? 20 billion barrels of oil would be saved if we all drove cars that got 40 mpg. It would have been great if US car manufacturers had competed to make cars with the best mileage instead of the biggest trucks and SUVs.

2. Change mileage stickers on cars from miles per gallon to gallons per 10,000 miles. Although they are numerically the same, the psychology of 800 gallons per 10,000 miles (roughly \$3,200 per year) compared to 200 gallons per 10,000 miles (roughly \$800 per year) is not equivalent to 12.5 versus 50 mpg. This is how appliances are sold.

3. We do not need a bailout from the federal government on fuel prices. We need better jobs so these prices do not completely cripple Idaho's economy. The government can assist ordinary Idahoans by supporting or funding public transportation, including light rail in the Treasure Valley. The government can also assist us by better-funding education so Idahoans can work in higher paying jobs.

4. Idaho is unique in our nuclear energy past. I wholeheartedly support the development and usage of new-generation nuclear energy technology. Idaho, and the Idaho National Laboratories, can take a lead in this area.

5. Do not forget conservation. Drive less. Drive slower. Idaho could lower speed limits

and save the equivalent of 50-80 cents per gallon.

Thank you for considering the points in my letter. I am hopeful that you will share it with your Committee Chair.

CHRIS, *Boise*.

As the cost of energy continues to go up our lifestyle continues to go down. No money to spend on any home maintenance, automobile maintenance, or replace anything that wears out or breaks. It is like I am living in a third world country right here in the United States of America. I can only imagine what it must be like for people who make less than I do. Corporations make billions every 3 months and there is nothing wrong? Please fix this before it cost us our entire country.

BLAKE.

I disagree with you on the raising of taxes. The oil companies and the rich should have to pay taxes to help support our country along with all the other U.S. citizens. All you accomplished by cutting taxes is causing local taxes to go up to compensate for the federal tax cuts. Because of the tax cuts to our state, we had to vote in more property taxes to cover the cuts. We are now paying much more taxes to keep Idaho functioning and our federal taxes did not go down. As a matter of fact, they went up since we can no longer take our Medicare premiums off of our federal taxes.

LOIS.

I just want to share my story with you. We recently had a wedding in our family that required us to travel to Arizona for the wedding. The majority of our family was unable to go because of the high cost of gas. The eight of us that did go carpooled in a suburban so that it was affordable for us to even go and support our family member who was getting married. The high cost of energy is preventing families from being able to get together for reunions and other family gatherings. This is pretty sad.

Let us not forget that it is not only at the gas pumps we are getting gouged, but at the grocery store and anywhere else we shop. The store owners are passing the higher shipping charges on to the consumer as well. So the cost of energy is impacting us in multiple areas of our budget.

We are in desperate need of alternative energy sources to help control the cost of energy. If the oil companies had to compete for our business their prices would not be so high.

Thanks for your efforts

BRENT, *Twin Falls*.

We are a family of six, and we have two vehicles. My husband has a car for commuting to work, and I have a minivan to transport our family around. Gas prices have gone so high now that it cost us more money to fill up both our vehicles, than it does to feed our family for two weeks. It is an expense that is hard to cut costs on. We need to be able to get around. But the prices are not just affecting us at the tank. It costs a farmer over \$400 a day to drive his tractor now, and there is the gas for the semi-truck driver too. So gas is driving our food prices up. It is hard on the American family.

What I suggest we do is use America's intellectual gifts and come up with a new alternative fuel source, preferably a renewable one that will not damage the environment. Then we need cars that can run off it. We could help the global warming problem and our fuel problem. While that is being done, maybe we can use some of our own gas instead of the Middle East's gas. We are working so hard to fight Iraq with our strength.



But they are fighting us with economics, and we are letting them win.

TAMARA.

I think the worse part of high energy costs is the restrictions our married children that live a few hours from home feel about traveling. They are on limited budgets and cannot budget in very many travels on the high fuel expenses. Anything that keep grandparents from seeing their grandchildren as often should be a federal offense! I am sure you would agree!

RENEE.

With all due respect, I think you are off track. Yes, prices are rising. No, that does not mean you should vote against climate change legislation.

Please, focus your energy on diversifying our energy sources in the sense of solar and wind power. Do not go for the short-term scheme of drilling for more domestic oil. That would be a short-term fix. We need to think generations down the road, and realize that our current consumption is simply not sustainable.

Yes, I have been impacted by high prices. So have my coworkers and neighbors. But the subsequent changes I see in our lifestyles are wonderful: we drive less, choosing to bike, walk and take the public bus to work or run errands or to recreate. Need less . . . what a solution!

MARGARET, *McCall*.

We are farmers from Idaho Falls. The energy prices are hugely affecting our bottom line. In the past year alone, due to the cost of fuel, fertilizer has gone up four times. Many people do not understand that farmers are not just affected by the cost of putting fuel in their tractors. The rising price of fuel affects every aspect of our business. It is unfortunate that in the news farmers are being portrayed as just raking in the dollars right now while the consumers struggle to buy food at the grocery stores. This just is not the case.

We have no way of staying in business if the cost of the commodities we sell does not go up to compensate for the huge increase in our costs. It is time the American consumers stand up to uninformed environmentalists. Environmentalists are setting energy policy that is going to devastate our entire economy. As farmers, we are the best environmentalists that exist. We care that future generations will have a clean safe place to live and exist. We also believe that the way out of our current problems, without crippling the entire economy, are solved with a multi-dimensional approach. Yes, fuel economy for cars should be increased on a time line that is feasible. We also know that we have to open up new oil drilling and refinery capacity to help stabilize our economy. We also feel that we need to have better means of producing power. Nuclear energy is safe, clean, and reliable. We need to be the leaders in the world of good energy policy and planning.

If we shut down all industry in the United States, we will become slaves to a foreign nation. Do people really believe that food produced in other countries is as safe and reliable as food that is produced domestically? If we do not start now to develop a better approach to our current energy problems, we will be at the mercy of China and oil-producing nations.

MARK and STEPHANIE, *Idaho Falls*.

The President's plan to stimulate the economy was a like a drop in the bucket compared to the rise in gas prices at the pump. The gas prices have doubled from last summer. If you received a 1%, 3% or higher cost

of living increase, you are still short. The increased minimum wage was wasted effort. The increase in gas prices will force an increase across the board, just because this country, especially in states like Idaho, is very dependent on vehicles from semi-trucks to bring food from one state to another to a way to get to work, etc.

I think time, effort and money should be spent on developing alternate energy sources. Oil is a non renewable resource as is nuclear energy. More effort should be placed on energy sources that renew themselves, such as wind power and power derived from the ocean. Right now would be a great time for the development of a combustion engine that is clean and fuel efficient. I believe that there are those inventions already available, just not used.

SHARON.

I, like others, who are so tired of rising fuel costs, would like to see something done about it. Please put something in motion and help get these rising prices lowered. I am not sure what is driving the prices higher. But it is the people that suffer. You just cannot afford to do anything or go anywhere anymore. And that causes depression in a lot of people. My gasoline bill last month was over \$500 and that is outrageous. I drive to the INL site every day and that adds up very quickly.

Please help do something about this.

DONNA, *Rigby*.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO AGNES "AUNTIE AGGIE" KALANIHOOKAHA COPE

• Mr. AKAKA. Madam President, I congratulate Mrs. Agnes Kalanihookaha Cope for receiving an honorary Doctor of Humane Letters degree from the University of Hawaii at Manoa. The honorary degree is typically conferred on worthy candidates who have distinguished themselves through outstanding contributions in areas other than science. The degree will be awarded at the University of Hawaii at Manoa Spring 2009 commencement ceremony.

I wish to acknowledge "Auntie Aggie," as she is fondly known, for her long dedication and inspirational efforts in organizing the practice, preservation and perpetuation of ethnic cultures in the state of Hawaii, particularly the Hawaiian culture. She has also demonstrated a commitment to improving the health of Native Hawaiians—physically, culturally, and mentally. Auntie Aggie is an established educator, talented and respected kumu hula or Hawaiian dance instructor, and an ardent advocate for Native Hawaiians. A few of her many noteworthy accomplishments include—founding the Waianae Coast Culture and Arts Society, helping to found the Waianae Coast Comprehensive Health Center, and serving as board chair of Papa Ola Lokahi, the Native Hawaiian Health Care Organizations.

Auntie Aggie is a true guardian of the culture and the arts. The legacy and testament to her work is the Agnes Cope Community and Cultural Health Award, which is issued by the Brown

and Bakken World Health awards program for the purposes of bringing the community together and working collaboratively to improve world health. However, Auntie Aggie could not have achieved what she has done without the additional support and knowledge of her family and community. I commend all those who have helped in her efforts to be a leader in the Hawaiian renaissance and to keep the Native Hawaiian culture and community alive and thriving.

I would also like to echo University of Hawaii Chancellor Virginia Hinshaw who said, "Spanning four decades, Mrs. Cope's personal dedication and civic contributions to enhancing the health and education of Native Hawaiians and preserving their culture have improved the lives of all citizens of Hawaii." I congratulate Auntie Aggie and challenge the next generation to continue her important work and wish them all continued success in the years to come.●

#### ABORTION RECOVERY AWARENESS MONTH

• Mr. VITTER. Madam President, I stand today to commend Governor Bobby Jindal, Louisiana State senator A. G. Crowe, and Louisiana resident Cindy Collins for their efforts in making April "Abortion Recovery Awareness Month" in Louisiana. I would like to take a few moments to remark on this important issue.

I would also like to thank the following organizations for their efforts in helping to reduce abortions and fighting for the unborn. I thank Abortion Recovery International, Louisiana Abortion Recovery Alliance, Post Abortion Helpline of Louisiana, Rachel's Vineyard Louisiana, Pregnancy Resource Centers of Louisiana, National Abortion Recovery Helpline, Operation Outcry Louisiana, and Silent No More Awareness Louisiana.

All human life is sacred, and I have worked hard in Congress to advance a culture of life, including banning partial-birth abortions, outlawing abortion drugs, fighting against taxpayer funding of abortions, and strongly supporting adoption and crisis pregnancy centers. I have always been adamant in my support of pro-life and pro-family measures in Congress, and groups and individuals like these are instrumental to these and other advances we have made in promoting a culture of life.

Thus, today, I applaud Governor Bobby Jindal, State senator A. G. Crowe, Cindy Collins, and the many great organizations listed above for their efforts in making April "Abortion Recovery Awareness Month" in Louisiana.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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

ENROLLED BILL AND JOINT  
RESOLUTION SIGNED

At 3:16 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 39. An act to repeal section 10(f) of Public Law 93-531, commonly known as the "Bennett Freeze".

S.J. Res. 8. Joint resolution providing for the appointment of David M. Rubenstein as a citizen regent of the Board of Regents of the Smithsonian Institution.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES PLACED ON THE  
CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 895. A bill to prevent mortgage foreclosures and enhance mortgage credit availability.

S. 896. A bill to prevent mortgage foreclosures and enhance mortgage credit availability.

EXECUTIVE AND OTHER  
COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1374. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Karl W. Eikenberry, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1375. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Columbus, Georgia" (MB Docket No. 08-100) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1376. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Augusta, Georgia" (MB Docket No. 08-103) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1377. A communication from the Chief of Staff, Media Bureau, Federal Communica-

tions Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Des Moines, Iowa" (MB Docket No. 09-22) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1378. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "General Jurisdiction Over Freight Forwarder Service" (RIN2126-AA25) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1379. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Atlantic High and San Juan Low Offshore Airspace Areas; East Coast, United States" (Docket No. FAA-2008-1259) (Airspace Docket No. 08-ASO-1) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1380. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 1B, 1D, 1D1, 2B, and 2B1 Turbohaft Engines" (RIN2120-AA64) (Docket No. FAA-2009-0302) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1381. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. ALF502L-2 and ALF502L-2C Turbofan Engines" (RIN2120-AA64) (Docket No. FAA-2008-1207) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1382. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company (GE) CF6-80A Series Turbofan Engines" (RIN2120-AA64) (Docket No. FAA-2008-0827) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1383. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" (Docket No. 30661) (Amendment No. 3317) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1384. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes" (RIN2120-AA64) (Docket No. FAA-2009-0124) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1385. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; PILATUS AIRCRAFT LTD. Models PC-12 and PC-12/45 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0126)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1386. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A Series, 206B Series, 206L Series, 407, and 427 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-0350)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1387. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1155)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1388. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Piper Aircraft, Inc. Models PA-46-350P and PA-46R-350T Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0007)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1389. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hamilton Sundstrand Propellers Model 568F Propellers" ((RIN2120-AA64)(Docket No. FAA-2009-0270)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1390. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" (Docket No. 30658)(Amendment No. 3314) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1391. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" (Docket No. 30659)(Amendment No. 3315) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1392. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model MD-90-30 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2007-0074)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1393. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled "Airworthiness Directives; ATR Model ATR72 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1081)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1394. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Air Tractor, Inc. Models AT-400, AT-401, AT-401B, AT-402, AT-402A, and AT-402B" ((RIN2120-AA64)(Docket No. FAA-2006-23646)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1395. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Ten Sleep, WY" ((Docket No. FAA-2008-1129)(Airspace Docket No. 08-ANM-7)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1396. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF34-1A, -3A, -3A1, -3A2, -3B, and -3B1 Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2007-0419)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1397. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dornier Luftfahrt GmbH Models Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, Dornier 228-202, and Dornier 228-212 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0123)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1398. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-80A Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2008-1206)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1399. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; MD Helicopters, Inc. Model MD900 (including the MD902 Configuration) Helicopters" ((RIN2120-AA64)(Docket No. FAA-2008-0772)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1400. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments" ((Docket No. 30660)(Amendment No. 3316)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1401. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, trans-

mitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1324)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1402. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes Equipped with a Cockpit Door Electronic Strike System Installed in Accordance with Supplemental Type Certificate (STC) ST02014NY" ((RIN2120-AA64)(Docket No. FAA-2009-0313)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1403. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 40 and DA 40F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0125)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1404. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell Flight Management Systems (FMSs) Equipped with Honeywell NZ-2000 Navigation Computers and Honeywell IC-800 or IC-800E Integrated Avionics Computers; as Installed on Various Transport Category Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0899)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1405. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Liberty Aerospace Incorporated Model XL-2 Airplanes" ((RIN2120-AA64)(Docket No. FAA-2009-0329)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1406. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-0412)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1407. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Hawker Beechcraft Corporation Model BH.125 Series 600A Series Airplanes and Model HS.125 Series 700A Airplanes Modified in Accordance With Supplemental Type Certificate (STC) SA2271SW" ((RIN2120-AA64)(Docket No. FAA-2008-1240)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1408. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt & Whitney (PW) JT9D-7 Series Turbofan" ((RIN2120-AA64)(Docket No. FAA-2008-0759)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1409. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Limited Model 206A, 206B, 206L, 206L-1, 206L-3, 206L-4, 222, 222B, 222U, 230, 407, 427, and 430 Helicopters" ((RIN2120-AA64)(Docket No. FAA-2009-0301)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1410. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; General Electric Company CF6-80C2 and CF6-80E1 Series Turbofan Engines" ((RIN2120-AA64)(Docket No. FAA-2008-1025)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1411. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC-8-50 Series Airplanes; Model DC-8F-54 and DC-8F-55 Airplanes; Model DC-8-60 Series Airplanes; Model DC-8-60F Series Airplanes; Model DC-8-70 Series Airplanes; and Model DC-8-70F Series Airplanes" ((RIN2120-AA64)(Docket No. FAA-2008-1324)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1412. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Conroe, TX" ((Docket No. FAA-2009-0338)(Airspace Docket No. 09-ASW-9)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1413. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Dallas, GA" ((Docket No. FAA-2008-1084)(Airspace Docket No. 08-ASO-17)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1414. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace, Establishment of Class E Airspace; Binghamton, NY" ((Docket No. FAA-2009-0202)(Airspace Docket No. 09-AEA-11)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1415. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Battle Creek, MI" ((Docket No. FAA-2008-1290)(Airspace Docket No. 08-AGL-19)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1416. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Omaha, NE" ((Docket No. FAA-2008-1228)(Airspace Docket No. 08-ACE-3)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1417. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Summersville, WV; Confirmation of Effective Date" ((Docket No. FAA-2008-1073)(Airspace Docket No. 08-AEA-28)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1418. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Corpus Christi NAS/Truax Field, TX" ((Docket No. FAA-2008-1140)(Airspace Docket No. 08-ASW-24)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1419. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Natchitoches, LA" ((Docket No. FAA-2008-1229)(Airspace Docket No. 08-ASW-26)) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1420. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Health, Safety and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Occupational Radiation Protection; Correction" (RIN1901-AA95) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Energy and Natural Resources.

EC-1421. A communication from the Deputy Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Testimony by Employees and the Production of Records and Information in Legal Proceedings, Claims Against the Government Under the Federal Tort Claims Act, and Claims Under the Military Personnel and Civilian Employees' Claim Act of 1964; Change of Address for Requests" (RIN0960-AG99) received in the Office of the President of the Senate on April 21, 2009; to the Committee on Finance.

EC-1422. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-29" (RIN9000-AK91) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1423. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular

2005-32; Technical Amendments" (Docket 2009-0003) as received during adjournment of the Senate in the Office of the President of the Senate on April 17, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1424. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, the report of a nomination in the position of Associate Director of National Intelligence and Chief Information Officer, received in the Office of the President of the Senate on April 22, 2009; to the Select Committee on Intelligence.

EC-1425. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report entitled "Report on the Adequacy of Privacy Rules Prescribed Under the E-Government Act of 2002"; to the Committee on the Judiciary.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-18. A resolution adopted by the House of Representatives of the State of Kentucky urging the United States Congress to act swiftly to renew the exemption of the Delta Queen from Public Law 89-777; to the Committee on Energy and Natural Resources.

#### RESOLUTION

Whereas, the Delta Queen is an integral part of the culture and character of the Ohio River valley; and

Whereas, the Delta Queen has made a lasting impression as a beloved part of the past in the hearts of passengers and crew members; and

Whereas, the Delta Queen is a part of the National Register of Historic Places, a National Historic Landmark, and a jewel of the United States' inland navigable water system; and

Whereas, the Delta Queen is the last of its kind, a sternwheel overnight passenger steamboat like those that contributed to this nation's westward expansion; and

Whereas, the Delta Queen has been and continues to be a safe and reliable vessel; and

Whereas, the Delta Queen was constructed in 1926 to operate as a passenger vessel in northern California, and during World War II was used in the United States Navy as a ferry for wounded being treated in San Francisco; and

Whereas, after being purchased in 1946 by Greene Line Steamers of Cincinnati, Ohio, the Delta Queen was carried from California, to and along the Mississippi and Ohio Rivers, to Pittsburgh, Pennsylvania for refurbishment in order to carry passengers on the nation's inland navigable water system; and

Whereas, Public Law 89-777 mandates that all passenger vessels having berth or state-room accommodations for 50 or more passengers obey safety requirements, particularly fire safety requirements; and

Whereas, after this act was passed, the wooden construct of the Delta Queen was treated with fire resistant materials and a modern sprinkler system, thereby making this vessel considerably more fire resistant; and

Whereas, the Delta Queen has historically been exempted from Public Law 89-777; and

Whereas, the Delta Queen's safety records do not indicate that she is any less safe today than at any point since the passage of the Act in 1966; and

Whereas, the current exemption for the Delta Queen is to expire in 2008, and the

United States Congress has not acted to grant another exemption for the Delta Queen to allow her to continue operating; Now, therefore, be it

*Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:*

Section 1. The House of Representatives of the Commonwealth of Kentucky hereby urges the United States Congress to act swiftly to continue the exemption of the Delta Queen from Public Law 89-777.

Section 2. The Clerk of the House of Representatives shall forward a copy of this Resolution to the Clerk of the United States Senate, the clerk of the United States House of Representatives, and all of the members of Kentucky's Congressional Delegation.

POM-19. A resolution adopted by the St. Charles County Council of the State of Missouri supporting the Missouri House Concurrent Resolution 13 relating to state sovereignty; to the Committee on the Judiciary.

#### RESOLUTION No. 09-03

Whereas, House Concurrent Resolution 13 (hereinafter "HCR13"), introduced at the Ninety-fifth General Assembly, First Regular Session the Missouri House of Representatives, is on the House Concurrent Resolutions calendar; and

Whereas, HCR 13 calls on the federal government to heed the Tenth Amendment to the Constitution of the United States which states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

Whereas, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States; and

Whereas, powers not specifically granted to the federal government or prohibited to the states by the constitution are reserved in the Tenth Amendment to the states or to the people; and

Whereas, the states are concerned that over the course of time the federal government has developed an increasing policy to enact laws and regulations which treat the states as agents of the federal government in violation of the intent of the Tenth Amendment; and

Whereas, evidence of the federal entry into powers reserved to the states is evident in federal legislation that directs states to comply with federal mandates under threat of civil or criminal penalties or of loss of necessary federal funding; and

Whereas, in *New York v. United States*, 112 S.Ct. 2408, 2431 (1992) the United States Supreme Court ruled the Constitution protects the sovereignty of the states not for the states as abstract entities or for the public officials in charge of them, but for the protection of individuals so that the risk of tyranny or abuse from either the federal or state government is reduced by a healthy balance of power between the federal and state government; and

Whereas, the Missouri House has before it House Concurrent Resolution 13 (HCR 13) calling on the federal government to cease and desist from mandates beyond the scope of federal powers as enumerated in the constitution; and

Whereas, HCR 13 calls upon the federal government to cease passing compulsory federal legislation directing the states to comply or lose funding or face penalties and to repeal such laws already enacted; and

Whereas, the St. Charles County Council, for the reasons set forth above, concurs with HCR 13; Now, therefore, be it

*Resolved by the County Council of St. Charles County, Missouri, as follows:*

Section 1. The St. Charles County Council hereby enacts this Resolution to offer its support in favor of passage of House Concurrent Resolution 13.

Section 2. A copy of this resolution shall be forwarded to the respective Clerks of the Missouri Senate and the House of Representatives.

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

\*John Morton, of Virginia, to be an Assistant Secretary of Homeland Security.

\*William Craig Fugate, of Florida, to be Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

\*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 Ms. SNOWE (for herself and Ms. COLLINS):

S. 899. A bill to establish an assistance program for the construction of digital TV translators to fill coverage gaps that are created from the transition from analog to digital signals; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN:

S. 900. A bill to require the establishment of a credit card safety star rating system for the benefit of consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 901. A bill to establish the Oregon Task Force on Sustainable Revenue for Counties, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KERRY (for himself, Mr. REED, and Mr. INOUE):

S. 902. A bill to provide grants to establish veteran's treatment courts; to the Committee on the Judiciary.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. GILLIBRAND:

S. Res. 114. A resolution expressing support for designation of April 27, 2009, as "National Healthy Schools Day"; to the Committee on Health, Education, Labor, and Pensions.

### ADDITIONAL COSPONSORS

S. 46

At the request of Mr. ENSIGN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S.

46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 182

At the request of Mr. UDALL of New Mexico, his name was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 211

At the request of Mrs. MURRAY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 229

At the request of Mrs. BOXER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 235

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 235, a bill 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.

S. 386

At the request of Mr. LEAHY, the names of the Senator from Illinois (Mr. BURRIS), the Senator from New York (Mrs. GILLIBRAND), the Senator from Maryland (Ms. MIKULSKI), the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Maryland (Mr. CARDIN), the Senator from Arkansas (Mr. PRYOR) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 386, a bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes.

S. 414

At the request of Mr. DODD, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 414, a bill to amend the Consumer Credit Protection Act, to ban abusive credit practices, enhance consumer disclosures, protect underage consumers, and for other purposes.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Vet-

erans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 427

At the request of Mrs. LINCOLN, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 427, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 433

At the request of Mr. UDALL of New Mexico, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 433, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes.

S. 454

At the request of Mr. LEVIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

S. 461

At the request of Mrs. LINCOLN, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Mississippi (Mr. WICKER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 468

At the request of Ms. STABENOW, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 468, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 475

At the request of Mr. BURR, the names of the Senator from Utah (Mr. HATCH) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 476

At the request of Mrs. BOXER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor

of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 487

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 487, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 491

At the request of Mr. WEBB, the name of the Senator from North Dakota (Mr. DORGAN) 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.

S. 500

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 500, a bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions.

S. 559

At the request of Mr. WYDEN, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 559, a bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for certain periods before the implementation of the program.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from North Dakota (Mr. CONRAD), the Senator from Montana (Mr. TESTER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 634

At the request of Mr. HARKIN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 693

At the request of Mr. HARKIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 693, a bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine.

S. 700

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 701

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 701, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG).

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 787

At the request of Mr. FEINGOLD, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 787, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 797

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. RES. 11

At the request of Mr. REID, the name of the Senator from Arizona (Mr.

MCCAIN) was added as a cosponsor of S. Res. 11, a resolution to authorize production of documents to the Department of Defense Inspector General.

S. RES. 89

At the request of Mr. BAYH, his name was added as a cosponsor of S. Res. 89, a resolution expressing support for designation of a "Welcome Home Vietnam Veterans Day".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 899. A bill to establish an assistance program for the construction of digital TV translators to fill coverage gaps that are created from the transition from analog to digital signals; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, on June 12, television broadcasters will finally transition from analog TV signals to an all-digital system and in doing so begin a new chapter of innovation. In addition to providing higher quality video and sound, the DTV Transition will allow broadcasters to offer new services such as interactive TV and content multicasting.

The benefits consumers will reap will be significant so we must make sure that they are clearly aware of this transition and the steps necessary to be prepared. Delaying the switchover till June has afforded us the opportunity to improve these efforts. However, there are several geographic areas across this nation that will be plagued by a particular problem that isn't a result of lack of consumer awareness or availability of converter boxes but because they will receive a weak digital signal or no signal at all.

The DTV "cliff effect" occurs when the broadcast signal is so weak that all that appears on a viewer's TV is a blank screen. Unlike an analog broadcast, where a weak signal means a viewer would receive a grainy or snowy picture, a weak digital broadcast would mean no picture at all—you either get it or you don't.

The DTV cliff effect occurs because of the different propagation characteristics that the new digital broadcast signals have compared to traditional analog signals. The terrain, distance from the broadcast tower, and the sensitivity of existing antennas, and even the weather all play a part in the strength of a broadcast signal and contribute to the cliff effect.

Recently, a market-research firm estimated that more than 9 million households could experience some digital TV reception problems. In addition, many households in Wilmington, North Carolina, which participated in a DTV Transition trial run last fall, and about a thousand homes in Hawaii, which transitioned early, experienced reception and cliff effect problems, so this is a very real threat that will disrupt a significant number of households.



That is why I rise today with my colleague Senator COLLINS to introduce legislation to directly address this problem by creating an assistance program for the construction of new digital translators to fill the gaps in the digital coverage of full-power stations. Specifically, the bill would provide \$125 million in reimbursements for the construction of digital repeater or translator towers, which run approximately \$80,000 to \$100,000 each to build. These repeaters are essential in filling the dead zones that will result from the switchover.

The FCC recently released a report estimating that “approximately 18 percent of stations—319—are predicted to lose coverage of 2 percent or more of the existing population they reached with their analog signals.” One of the recommendations the Commission suggested to alleviate this problem was for affected stations to build translators. The FCC also provided a partial remedy in releasing a Notice of Proposed Rulemaking that would allow stations to install digital translators immediately under Special Temporary Authority. However, in this poor economic climate many broadcasters do not have the resources to construct these expensive towers.

This legislation supplies some of the funding necessary to meet the challenges posed by this significant problem. It also should be noted that these towers can be used to co-locate wireless broadband facilities or other advanced communications services, which means an easier expansion of broadband in many areas that currently are without.

Fully addressing the DTV cliff effect problem will ensure the transition in June is as seamless and undisruptive as possible for all Americans. That is why I hope my colleagues will join Senator COLLINS and me in supporting this legislation.

By Mr. WYDEN:

S. 900. A bill to require the establishment of a credit card safety star rating system for the benefit of consumers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. WYDEN. Mr. President, as the credit crisis has gripped the nation, more and more families are relying on their credit cards to help them weather the storm. Unfortunately, as more folks use their credit cards, many more consumers are falling victim to the industry’s abusive practices.

I am pleased that my colleagues in both the Senate and House are working hard to swiftly fix some of the most egregious existing practices. Like many of my colleagues, I agree that some of the credit card industry’s practices are unconscionable. For example some provisions today allow issuers to raise the interest on a consumer to astronomical rates just because of a drop in their credit score or a missed payment on another, unrelated credit card.

That’s like having your home mortgage go into default because you missed a payment on your car loan. It is not fair and it’s predatory.

Clearly, competition in the credit card industry is not working for consumers. Card issuers are not competing on the merits of their cards because consumers are still not able to make good comparisons on the overall cost of using their products. Consumers tend to focus on the interest rate and annual fees, not realizing that many of the little disclosures hidden in the legalese of their contracts can make the real cost of credit significantly higher.

Some practices are truly abusive and it may be best for Congress to eliminate those. However, while eliminating these practices would help protect some of the most vulnerable consumers, it would not solve the underlying systematic problem. For each abusive practice that Congress eliminates, another will pop up. That is why there must be a way to arm consumers with the information they need before they sign up for a credit card in order to reject such unfair practices.

With the financial future of so many Americans now dependent upon the unreadable jargon in credit card documents, consumers need to understand what they are getting into.

That is why I am introducing the Credit Card Safety Star Act of 2009. Last Congress, I introduced this legislation with then-Senator Obama because we both agreed that consumers need a simple way to cut through the unreadable jargon in agreements. My bill creates a safety rating system for credit cards, like the five-star crash rating system for new cars. The rating system for cars helps people understand how their car will protect them in a crash; my bill will help people understand if they can expect their card issuer to treat them fairly or kick them when they are down. Five-star cards would be the safest while one-star cards would be the least safe.

Cards are rewarded for terms that are consumer friendly and get knocked for the tricky terms that tend to get consumers in trouble.

For example, card issuers that can change the terms at any time for any reason or those that make consumers go into default based on credit ratings or other accounts would automatically receive a one-star rating.

However, card issuers that innovate new ways to make their agreements more consumer friendly could get points to out-compete others in the industry. For example, credit cards that give 90 days notice before the issuer intends to change terms, with the option for consumers to opt out, would get a point.

Under my system, card issuers would have to display the ratings on all their marketing materials, billing statements, agreement materials and on the back of the card itself. Consumers would also be able to see the ratings

for their card and how their card got that rating on a stand-alone Federal Reserve website.

The Federal Reserve will be responsible for updating the star system and making sure that if new terms or practices come to market, those terms or practices are assigned an appropriate rating.

Additionally, my legislation creates a Credit Card Safety Star Advisory Commission which would study the effectiveness of the star rating system. The Commission would also implement a study that would examine whether it would be better to eliminate certain unfair practices rather than simply giving them a rating under my system.

My bill is designed to work in tandem with the other legislation that has already been introduced. While the Credit Card Safety Star Act will not ban any particular practices, it is designed to update if certain practices are banned.

While my legislation is not a silver bullet to solve all the problems in the credit card industry, it can provide a way forward that will arm consumers with usable information about the tricky terms in these agreements.

I believe it is time to put the free market to the test and see whether we can help consumers make better choices while also encouraging issuers to abandon some of these abusive practices and compete for consumers’ business by offering them fair terms they can understand.

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. 900

*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 “Credit Card Safety Star Act of 2009”.

#### SEC. 2. 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. 3. 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 become 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;

“(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) fees are imposed to pay bills by check, over the Internet, or by an automated phone system;

“(6) interest is accrued on new purchases between the end of the billing cycle and the due date when a balance is outstanding;

“(7) the terms of the agreement are disclosed in a form that requires a reading level that is above a 12th grade reading level;

“(8) 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;

“(9) a late fee may be imposed within 2 days of the payment due date;

“(10) 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;

“(11) the issuer charges interest on transaction fees, including late fees; or

“(12) 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)(15) and (g)(16), 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 anti-competitive 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 (c), 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 as-

sign 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. 4. 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 Comptroller General of the United States, 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 non-profit 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 Comptroller General 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 Comptroller General 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 Comptroller General shall designate a member of the Commission, 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 Comptroller General 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.**—Subject to such review as the Comptroller General determines necessary to assure the efficient administration of the Commission, the Commission may—

(1) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General) 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 shall have unrestricted access to all deliberations, records, and non-proprietary data of the Commission, immediately upon request.

(4) **PERIODIC AUDIT.**—The Commission shall be subject to periodic audit by the Comptroller General.

(f) **ADMINISTRATIVE AND SUPPORT SERVICES.**—The Comptroller General shall provide such administrative and support services to the Commission as may be necessary to carry out this section.

(g) **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.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 901. A bill to establish the Oregon Task Force on Sustainable Revenue for Counties, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MERKLEY. Mr. President, today I am introducing the Sustainable Revenue for Oregon Counties Act, a bill aimed at finding a sustainable long-term solution to the revenue problems faced by Oregon's timber-dependent counties and other timber-dependent counties across our Nation. This bill, which is cosponsored by Senator RON WYDEN, will establish a task force to determine the best way to provide counties with a dependable source of revenue after the current county payments program expires.

Last year I promised that county payments would be the subject of my first bill as a Senator because addressing this issue is essential to the long-term success of Oregon's rural counties. Thanks to the hard work of Senator WYDEN and our congressional dele-

gation, payments are in place for the next 2 years. But we need to start preparing for what happens next.

Let me give some background on this critical issue. Like many Western States, the Federal Government owns much of Oregon's land base. More than half of Oregon's land is federally owned. One class of the Federal lands is the O&C lands. These lands were granted to Oregon & California Railroad in 1866 and later reverted to the Federal Government when the railroad failed to live up to terms of the grant. They also included a class of lands that originated from a similar situation, the Coos Bay Wagon Road lands. These O&C lands make up 2.2 million acres in western and southern Oregon.

Then there are Forest Service lands—timbered lands owned by the Forest Service, managed—that make up 14 million additional acres across our State.

In both cases, the Federal Government has allocated a share of the revenue generated by cutting timber to compensate local counties for their services. Since 1908, in fact, the Federal Government has compensated counties for the revenue lost due to Forest Service lands with a simple formula: 25 percent of the revenue earned by harvesting timber. Since 1937 the Federal Government has sustained a similar commitment on our O&C lands. The O&C Act provided that counties receive 75 percent of the timber harvest revenues, and since 1957 that was reasserted with 50 percent going directly to the counties and 25 percent put into management.

Then along came the 1990s and something happened. What happened is, the Federal Government started saying for other reasons—environmental reasons, stewardship reasons—we were going to change the harvest practices on these lands. That has had a direct impact, a deep, profound impact on our timber counties. A deal was struck. In fact, in 1993, President Clinton proposed and Congress enacted a program to augment timber payments with Federal payments based on the historic harvest levels so the people of Oregon's timber counties will not be paying the price for the environmental goals and other goals that were put forward. This is a deal, this is a core foundation agreement between the Federal Government and our timber counties.

This program was modified in 2000 under the leadership of our senior Senator from Oregon, and the program became the Secure Rural Schools and Community Self-Determination Act. That program, though, had a sunset in 2006 when the program disappeared that started to wreak havoc on our timber-dependent counties.

In Josephine County two-thirds of the county's general fund came from county payments. Loss of county payments meant cutting public safety programs. Overnight, patrols were down to one 10-hour shift split among six deputies covering an area the size of the State of Rhode Island.

In Harney County—where 78 percent of the landmass, an area the size of New Jersey, is federally controlled—70 percent of the road funds come from Federal payments.

In Lake County, Federal land, making up 61 percent of the county, is in anticipation of losing Federal funding, so the county had to cut its Federal Road Department from 42 individuals to 14—14 for a road department for a county the size of Connecticut and Delaware combined.

In Jackson County, where one-third of the general fund comes from Federal payments, Jackson County eliminated 117 jobs in parks, human services, roads, public safety, and closed all of their libraries.

This issue was so substantial that the Oregon Legislature, when I served as speaker, redirected more than \$50 million in transportation funds away from counties under the normal formula to a formula based on the loss of the Federal timber dollars.

The good news is that due to the tireless work of the senior Senator from my State, Mr. WYDEN, and our colleagues in the other Chamber, counties received a 1-year reprieve in 2007 and just last fall a 4-year extension. But now we are faced again with expiration of these critical resources in 2011. So today I am here to propose a strategy to develop a coherent plan, a plan for restoring fiscal security and sustainable revenue to our counties so that, despite the crushing economic situation our counties are facing today—and unemployment is second highest in the Nation in Oregon, and in the timber-dependent counties far higher than the average, many with 14, 16, 18 percent unemployment—despite that, we need to provide a foundation for transition in 2011.

There are many elements that can go into this coherent strategy. Our forests, millions of acres of second growth forests are overgrown and need to be thinned to restore forest health and prevent forest fires. Increasing the harvest could generate revenue. The material cleared from the forest could be used to generate biomass energy and cellulosic biofuels, and harvesting that material, that biomass, could generate revenue.

Our forests can be used to sequester carbon, and the forests of the Northwest are potentially the largest carbon sink we have, so management to increase carbon sequestration could be a source of revenue.

Increased use of public lands by visitors brings economic benefit to our counties and these recreational and tourism activities could be a source of revenues.

Certainly, we need to look at the historic deal struck between the Federal Government and the counties and find a way to sustain it into the future—that deal saying, if we are going to put restrictions on the timber harvest under these traditional timberlands that we are going to compensate counties for the lost revenue.

This bill creates a task force with 15 members. Four members come from timber counties. They get their firsthand reports from the front line. One member each represents timber, conservation, recreation, and labor organizations—as well as a member from the Governor's office and a member from Oregon's tribes.

Then the task force will be expanded to include members who are experts on sustainable forestry, on natural resource economics, on biomass energy, on carbon sequestration, and on habitat conservation.

This task force is charged with developing a long-term plan to raise sustainable revenue for Oregon's counties, and it will consider all of the concepts that I have mentioned, as well as others that are proposed or that come up in the course of the task force's work. They are going to report back two strategies for consideration within 9 months of this bill being enacted.

Timberlands are an important part of the national economy and an extremely important part of the Oregon economy. Timber products can be used to help us address next generation biofuels. Timber can be used to sequester carbon. It is a creative, adaptable building material, and our timber counties have been hit particularly hard by the downturn in the national housing market.

So we need to sustain the traditional deal with Oregon's timber counties and with timber counties across this country. That is what this bill is intended to do. I am very proud to introduce it as my first bill as a Senator.

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 placed in the RECORD, as follows:

S. 901

*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 "Sustainable Revenue for Oregon Counties Act of 2009".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) more than half of the land in the State of Oregon is owned by the Federal Government;

(2) in many counties of the State, significant portions of the land of the counties (often significantly more than half of the land of the counties) is owned by the Federal Government;

(3) the land described in paragraph (2) includes Forest Service land and Oregon and California grant land;

(4) the counties described in paragraph (2) are unable to derive revenue from property taxes on land owned by the Federal Government;

(5) historically, payments made by the Federal Government based on revenues from harvesting timber (including Oregon and California grant land and Forest Service payments) have provided a revenue substitute for property taxes;

(6) the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393) aug-

mented the payments described in paragraph (5) because of a significant decline in timber harvest revenues;

(7) Congress extended the payments described in paragraph (6) for 1 year in 2007, and for 4 years effective beginning in 2008, to provide time to develop a long-term sustainable alternative to the payments described in paragraph (6);

(8) the prospects for a long-term extension are uncertain because of concerns regarding Federal budget deficits and long-term financial assistance to local governments of the State;

(9) counties of the State that have historically received the payments described in paragraph (5) are in need of a sustainable, long-term revenue source;

(10) there are opportunities for the conduct of activities in the Federal forest land of the counties of the State that could be structured to be economically and environmentally sustainable, including—

(A) the harvesting of timber (including thinning to restore forest health) in a sustainable manner and in sustainable quantities;

(B) the removal of biomass material from the forest land for—

(i) the generation of electricity; and

(ii) the production of cellulosic biofuels;

(C) the conduct of activities that could—

(i) increase the sequestration by the forest land of atmospheric carbon; or

(ii) provide other ecosystem services for communities, such as clean water; and

(D) the conduct of recreational activities;

(11) other sources of revenue, including State and local revenue sources, should also be considered in selecting a sustainable, long-term revenue source; and

(12) payments made by the Federal Government could be continued under a variety of different payment methodologies.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARIES CONCERNED.—The term "Secretaries concerned" means—

(A) the Secretary of Agriculture; and

(B) the Secretary of the Interior.

(2) STATE.—The term "State" means the State of Oregon.

(3) TASK FORCE.—The term "Task Force" means the Oregon Task Force on Sustainable Revenue for Counties established by section 4(a).

#### SEC. 4. TASK FORCE.

(a) ESTABLISHMENT.—There is established a task force to be known as the "Oregon Task Force on Sustainable Revenue for Counties".

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 15 members, of whom—

(A) 4 members shall be appointed by the Secretaries concerned, of whom—

(i) each shall represent a county of the State; and

(ii) 2 shall represent counties in which there is located Oregon and California grant land;

(B) 1 member shall be appointed by the Governor of the State as the representative of the Governor of the State;

(C) 1 member shall be appointed by the Secretaries concerned from among persons who are experts in economics (including natural resource economics);

(D) 1 member shall be appointed by the Secretaries concerned from among persons who are experts in sustainable forestry practices;

(E) 1 member shall be appointed by the Secretaries concerned from among persons who are experts in scientific and economic aspects of biomass energy;

(F) 1 member shall be appointed by the Secretaries concerned from among persons

who are experts in the scientific aspects of ecosystem services that are provided by temperate forests (including, at a minimum, the scientific aspects of carbon sequestration);

(G) 1 member shall be appointed by the Secretaries concerned from among persons who are experts in fields relating to wildlife habitat, endangered species, and biodiversity;

(H) 1 member shall be appointed by the Secretaries concerned as a representative of the forest products industry located in the State;

(I) 1 member shall be appointed by the Secretaries concerned as a representative of regionally or locally recognized conservation organizations located in the State;

(J) 1 member shall be appointed by the Secretaries concerned as a representative of—

- (i) organized labor; or
- (ii) nontimber forest product harvester groups;

(K) 1 member shall be appointed by the Secretaries concerned as a representative of persons who participate in or provide recreational activities or are engaged in related activities; and

(L) 1 member shall be appointed by the Secretaries concerned as a representative of Indian tribes that are located in the State.

(2) **DATE OF APPOINTMENTS.**—The appointment of a member of the Task Force shall be made not later than 60 days after the date of enactment of this Act.

(c) **TERM; VACANCIES.**—

(1) **TERM.**—A member shall be appointed for the life of the Task Force.

(2) **VACANCIES.**—A vacancy on the Task Force—

(A) shall not affect the powers of the Task Force; and

(B) shall be filled in the same manner as the original appointment was made.

(d) **INITIAL MEETING.**—Not later than 30 days after the date on which all members of the Task Force have been appointed, the Task Force shall hold the initial meeting of the Task Force.

(e) **MEETINGS.**—

(1) **IN GENERAL.**—The Task Force shall meet at the call of the Chairperson.

(2) **PUBLIC ACCESS.**—Each meeting of the Task Force shall be open to the public.

(f) **QUORUM.**—A majority of the members of the Task Force shall constitute a quorum, but a lesser number of members may hold hearings.

(g) **CHAIRPERSON AND VICE CHAIRPERSON.**—The Task Force shall select a Chairperson and Vice Chairperson from among the members of the Task Force.

## SEC. 5. DUTIES.

(a) **CONSIDERATION AND REVIEW OF REVENUE SOURCES.**—

(1) **IN GENERAL.**—The Task Force shall consider and review concepts for the establishment of a long-term revenue source for counties located in the State that have historically received Federal funds.

(2) **REVENUE SOURCES.**—In conducting the consideration and review under paragraph (1), in accordance with paragraph (3), the Task Force shall consider—

(A) revenue sources proposed by relevant legislation or administrative actions;

(B) payments based on timber harvests (including thinning to restore forest health) carried out at sustainable levels;

(C) payments based on revenues that each county of the State could have received through property taxation if the land owned by the Federal Government located in the county was privately held and subject to a property tax;

(D) revenue based on—

- (i) a portion of the proceeds from sales of material collected from public land located

in the State for the production of biomass electricity or cellulosic liquid transportation fuels;

(ii) user fees for recreational activities carried out on public land located in the State;

(iii) payments for increases in carbon sequestration; and

(iv) land exchanges or transfers that could provide compensation for nontaxable Federal land located in counties of the State;

(E) local sources of revenue that could be used to reduce or eliminate the reliance of counties of the State on Federal funds (including taxes, user fees, or economic development activities that could increase the revenue base of the counties of the State);

(F) payments made by the Federal Government to the counties of the State, including—

(i) guaranteed payments that are to be established at a reduced level and not based on timber harvest revenues; and

(ii) guaranteed payments that are to be established—

(I) at a level similar to the level of payments reauthorized in 2008;

(II) in part by timber harvest revenues; and

(III) with the use of additional Federal funds to the extent that timber harvest revenues described in subclause (II) do not meet the guaranteed level of payment; and

(G) any other revenue source that the Task Force determines to be appropriate for consideration and review.

(3) **FACTORS.**—In considering each revenue source under paragraph (2), the Task Force shall take into account—

(A) the long-term sustainability of each revenue source considered under paragraph (2);

(B) the relative value, long-term sustainability, and any other implication of the relative reliance of the counties of the State on revenues arising from Federal forests located in the counties, as compared to other local revenue sources;

(C) the potential long-term effects of each revenue source considered under paragraph (2) on the economies of the counties of the State;

(D) revenue sources that are used by other cities or counties of the State;

(E) the environmental effects of each revenue source considered under paragraph (2);

(F) the effect of each revenue source considered under paragraph (2) on local revenue streams and county services; and

(G) comments submitted to the Task Force by a stakeholder relating to any issue or proposal considered by the Task Force.

(b) **HEARINGS.**—

(1) **IN GENERAL.**—The Task Force shall hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Task Force considers advisable to receive the input and determine the opinions of the public and stakeholders with respect to the establishment of a sustainable, long-term revenue source for the counties of the State.

(2) **INCORPORATION OF PUBLIC AND STAKEHOLDER INPUT.**—In preparing the report required under subsection (c), the Task Force shall incorporate into the recommendations of the Task Force required under subsection (c)(2), to the maximum extent practicable, the public and stakeholder input received under paragraph (1).

(c) **REPORT.**—Not later than 9 months after the date of enactment of this Act, the Task Force shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that contains—

- (1) a detailed statement of the findings and conclusions of the Task Force;

(2) a description of not less than 2 policy scenarios for providing sustainable revenue to the counties of the State that are recommended by not less than ⅔ of the members of the Task Force for consideration by the Federal Government, the State, and the counties of the State as the Task Force considers appropriate (including such legislation and administrative actions necessary to implement each policy scenario);

(3) a description of the opinion of each member of the Task Force regarding each policy scenario described in paragraph (2);

(4) a description of the minority views of each member of the Task Force who does not support any policy scenario described in paragraph (2);

(5) a description of each revenue source considered but not recommended by the Task Force under paragraph (2), including—

(A) an explanation of each reason why the Task Force did not recommend the policy scenario; and

(B) a description of the minority views of each member of the Task Force relating to the decision by the Task Force not to recommend the policy scenario; and

(6) a summary of comments received by the Task Force under subsections (a)(3)(G) and (b)(1).

(d) **REQUIRED HEARINGS.**—Not later than 60 days after the date on which each committee described in subsection (c) receives the report required under that subsection, each committee shall hold a hearing to evaluate the recommendations contained in the report.

## SEC. 6. POWERS.

(a) **INFORMATION FROM FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—The Task Force may secure directly from a Federal agency such information as the Task Force considers necessary to carry out this Act.

(2) **PROVISION OF INFORMATION.**—On request of the Chairperson of the Task Force, the head of the agency shall provide the information to the Task Force.

(b) **POSTAL SERVICES.**—The Task Force may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(c) **GIFTS.**—The Task Force may accept, use, and dispose of gifts or donations of services or property.

## SEC. 7. TASK FORCE PERSONNEL MATTERS.

(a) **COMPENSATION OF MEMBERS.**—Each member of the Task Force shall serve without compensation.

(b) **TRAVEL EXPENSES.**—A member of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Task Force.

(c) **DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.**—

(1) **IN GENERAL.**—An employee of the Federal Government may be detailed to the Task Force without reimbursement.

(2) **CIVIL SERVICE STATUS.**—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(d) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the Task Force may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

## SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.



**SEC. 9. TERMINATION OF TASK FORCE.**

The Task Force shall terminate 120 days after the date on which the Task Force submits the report of the Task Force under section 5(c).

**SUBMITTED RESOLUTIONS****SENATE RESOLUTION 114—EX-PRESSING SUPPORT FOR DESIGNATION OF APRIL 27, 2009, AS “NATIONAL HEALTHY SCHOOLS DAY”**

Mrs. GILLIBRAND submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 114

Whereas there are approximately 54,000,000 children and 7,000,000 adults who spend their days in the Nation's 120,000 public and private schools;

Whereas over half of all schools in the United States have problems linked to indoor air quality;

Whereas children are more vulnerable to environmental hazards, as they breathe in more air per pound of body weight due to their developing systems;

Whereas children spend an average of 30 to 50 hours per week in school;

Whereas poor indoor environmental quality is associated with a wide range of problems that include poor concentration, respiratory illnesses, learning difficulties, and cancer;

Whereas an average of 1 in every 13 school-age children has asthma, the leading cause of school absenteeism, accounting for approximately 14,700,000 missed school days each year;

Whereas the Nation's schools spend approximately \$8,000,000,000 a year on energy costs, causing officials to make very difficult decisions on cutting back on much needed academic programs in their efforts to maintain heat and electricity;

Whereas healthy and high-performance schools that are designed to reduce energy and maintenance costs, provide cleaner air, improve lighting, and reduce exposure to toxic substances provide a healthier and safer learning environment for children and improve academic achievement and well-being;

Whereas new building construction, especially for new school buildings, should be designed to meet energy efficiency standards, including Leadership in Energy and Environmental Design (LEED) standards;

Whereas green and healthy schools save an average of \$100,000 per year on energy costs, enough to hire 2 teachers, buy 200 new computers, or purchase 5,000 new textbooks;

Whereas converting all of the Nation's schools to green schools would reduce carbon dioxide emissions by 33,200,000 metric tons;

Whereas Congress has demonstrated its interest in this compelling issue by including the Health High-Performance Schools program in the No Child Left Behind Act and the Energy Independence and Security Act of 2007;

Whereas our schools have the great responsibility of guiding the future of our children and our Nation; and

Whereas April 27, 2009, would be an appropriate date to designate as “National Healthy Schools Day”: Now, therefore, be it

*Resolved*, That the Senate supports the designation of April 27, 2009, as “National Healthy Schools Day”.

**AUTHORITY FOR COMMITTEES TO MEET****COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

Mr. MERKLEY. 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 Monday, April 27, 2009, at 5:30 p.m.

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

**UNANIMOUS CONSENT AGREEMENT—S. 386**

Mr. BROWN. I ask unanimous consent that at noon Tuesday, April 28, the Senate return to legislative session to resume consideration of S. 386; that upon passage of the bill, the Senate then return to executive session to resume consideration of the Sebelius nomination.

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

**TECHNICAL AMENDMENTS AFFECTING JUDICIAL PROCEEDINGS**

Mr. BROWN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1626, which was received from the House.

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

The legislative clerk read as follows:

A bill (H.R. 1626) to make technical amendments to laws containing time periods affecting judicial proceedings.

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

Mr. BROWN. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 1626) was ordered to be read a third time, was read the third time, and passed.

**ORDERS FOR TUESDAY, APRIL 28, 2009**

Mr. BROWN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, April 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to executive session under the previous order; further, I ask consent that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus lunches.

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

**PROGRAM**

Mr. BROWN. Madam President, at 10 a.m. tomorrow the Senate will begin consideration of the nomination of Kathleen Sebelius to be Secretary of Health and Human Services. Under the previous order, there will be up to 8 hours for debate equally divided between the two leaders or designees. Senators should also be prepared for a vote on passage of S. 386, the Fraud Enforcement and Recovery Act, at noon tomorrow.

**ADJOURNMENT UNTIL 10 A.M. TOMORROW**

Mr. BROWN. Madam 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 6:34 p.m., adjourned until Tuesday, April 28, 2009, at 10 a.m.

**NOMINATIONS**

Executive nominations received by the Senate:

**DEPARTMENT OF AGRICULTURE**

PEARLIE S. REED, OF ARKANSAS, TO BE AN ASSISTANT SECRETARY OF AGRICULTURE, VICE BOYD KEVIN RUTHERFORD.

**DEPARTMENT OF DEFENSE**

THOMAS R. LAMONT, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE RONALD J. JAMES.

**DEPARTMENT OF TRANSPORTATION**

JOHN D. PORCARI, OF MARYLAND, TO BE DEPUTY SECRETARY OF TRANSPORTATION, VICE THOMAS J. BARRITT, RESIGNED.

**DEPARTMENT OF ENERGY**

CATHERINE RADFORD ZOI, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENERGY, EFFICIENCY, AND RENEWABLE ENERGY), VICE ALEXANDER A. KARSNER, RESIGNED.

WILLIAM F. BRINKMAN, OF NEW JERSEY, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY, VICE RAYMOND L. ORBACH, RESIGNED.

**DEPARTMENT OF THE INTERIOR**

ANNE CASTLE, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE MARK A. LIMBAUGH.

**DEPARTMENT OF STATE**

KURT M. CAMPBELL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (EAST ASIAN AND PACIFIC AFFAIRS), VICE CHRISTOPHER R. HILL, RESIGNED.

DANIEL BENJAMIN, OF THE DISTRICT OF COLUMBIA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE, VICE DELL L. DAILEY, RESIGNED.

ROBERT ORRIS BLAKE, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS, VICE RICHARD A. BOUCHER, RESIGNED.

**DEPARTMENT OF LABOR**

PHYLLIS CORRINE BORZI, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE BRADFORD P. CAMPBELL, RESIGNED.

**DEPARTMENT OF HOMELAND SECURITY**

DAVID HEYMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE STEWART A. BAKER, RESIGNED.