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## Senate

The Senate met at 9:30 a.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.

Our Father and our God, we hold before You the fears and hopes of our hearts. We confess that we haven't loved and trusted You as we ought, for You give perfect peace to those who keep their minds on You.

Lord, impart wisdom to our Senators. Help them remember that they aren't orphans beneath the sky but Your children and that all their ways are held in Your care. Give our lawmakers the glorious liberty that comes from knowing they are heirs of celestial blessings and that nothing can separate them from Your love. Let Your peace that passes understanding keep their hearts and minds in the knowledge and love of You. May they yield their attitudes and dispositions to Your control so that they might work effectively with each other.

We pray in Your powerful 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 the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 13, 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.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to executive session to consider the nomination of David Hayes to be Deputy Secretary of Interior. There will be up to 1 hour for debate, equally divided and controlled between the two leaders or their designees, prior to a cloture vote on that nomination. The Senate will recess from 12:30 to 1:30 to allow for a special Democratic caucus meeting.

The reception for the spouses dinner at the Botanic Garden begins at 6:30 tonight, and Senators are encouraged to attend. This is a nice event. We don't have an opportunity to get together very often, so this is something we all look forward to, and I am confident it will be a very good evening for us all.

### NOMINATION OF DAVID HAYES

Mr. REID. Senators with good intentions can disagree on issues. They can disagree with our Nation's leaders. But we should all be able to agree that the President and his Cabinet deserve a complete lineup when that team takes the field on the most important issues

we face. The American people deserve the leaders they asked for in November when they demanded we clean up the mess the last administration left behind.

One of those key players is a man by the name of David Hayes, the man President Obama has nominated to be Deputy Secretary of the Interior. Mr. Hayes served successfully in this same position during the Clinton administration and understands better than probably anyone else what it takes to effectively run a department of about 70,000 people; that is, the Department of Interior. As Deputy Secretary of Interior, Hayes would work closely with our former colleague, Secretary Ken Salazar, on important decisions about many issues.

No two States understand the importance of the Secretary of Interior more than Alaska and Nevada. Eighty-seven percent of the State of Nevada is owned by the Federal Government. Alaska is second. Other States have large amounts of land controlled by the Federal Government and the Secretary of Interior, and consequently his deputy would have some say over it. Secretary Salazar must make important decisions about developing renewable energy resources that will create jobs, protecting our wildlife, preserving our public lands for future generations, and keeping our water clean and accessible. David Hayes will play a central role in correcting the mistakes of the past and making important decisions for the future.

The past 8 years of the Interior Department were marked by mismanagement and scandal. Secretary Salazar's Department has inherited the unenviable task of getting the American people to once again trust an agency that manages one-fifth of the Nation's landmass and 1.7 billion acres off our coasts.

The Department is also moving us forward in critical ways. Secretary Salazar has made it clear that he will

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



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take dramatic strides to move our country toward energy independence. With David Hayes' help, he will ensure that our country is harnessing the wind, the Sun, and the geothermal potential that will set us free from our dangerous dependence on foreign oil. Secretary Salazar deserves the opportunity to have the best and most knowledgeable people around him to make this energy revolution happen.

On Secretary Salazar's list, the first is David Hayes. He is a graduate of Notre Dame University, Stanford Law School. He is experienced, pragmatic, and creative. For 30 years, he has worked in natural resources and environmental law. He has written dozens of articles and book chapters about water supply issues, clean energy, and land conservation, among other important topics. He has a long and impressive track record of negotiating the kinds of difficult issues the Department of Interior deals with every day. But he can't get this work done until this body confirms him.

In a repeat of a scene we have unfortunately become far too familiar with lately, Republicans are standing in the way. I know those holding up Mr. Hayes' nomination feel passionately about their priorities, but I also know that Secretary Salazar and Mr. Hayes believe just as strongly about finding common ground that serves all of our interests.

The real issue is the fact that in the last minutes of the Bush administration, the waning minutes, Secretary Kempthorne issued 77 oil and gas leases. These leases are next door to national parks. It was a concern of the National Park Service when it was done. The environmental community is up in arms. The people of Utah don't like it. No one else would. We have one national park in Nevada, Great Basin National Park. I know how the people of Nevada would feel if they had started bringing in oil rigs next to Great Basin National Park. They wouldn't like it. Ken Salazar, when he became Secretary of the Interior, withdrew those regulations. He didn't terminate them, he withdrew them for further study, further review. We have here an issue of the people of the State of Utah versus oil companies. For far too long, the oil companies have always won. Let's make it so that the people win for a change.

Every State has unique challenges. Mr. Hayes is prepared to travel across the West to confront them head-on, not so he can tell States what to do but, rather, so he can work with them to address each issue thoughtfully and respectfully. Working together toward such solutions is the answer. Robbing a Cabinet Secretary of his right-hand man is not.

Secretary Salazar knows the Senate, and his door is open to every Member of this body. Could you find a nicer person in the world than Ken Salazar? I don't think so. Mr. Hayes has his backing and his background. Mr. Hayes will

continue doing what Secretary Salazar directs him to do. Now is the time to move forward, not to drag our feet or posture or to try to score political points. Ask anyone who knows him. They will tell you that among the many skills he has is the ability to work cooperatively and in a bipartisan fashion on the most complex issues. I wish our Republican colleagues would show the same spirit on at least confirming such a clearly qualified candidate for such a political job. No one questions his qualifications. He is a man of high moral standards. He has an excellent academic background. No one questions his capabilities. The real issue is these oil and gas leases. He is a good and honest man. He is bright, successful, and a proven leader. Our country is fortunate that he has one again answered the call to serve.

I understand at their meeting yesterday there was a plea: We have to stop Democrats from confirming this man. I say to my friends: David Hayes will be confirmed. If I have to wait until Al Franken comes, he is going to be confirmed. We are going to confirm David Hayes. Everyone should understand that. If we happen to lose this today, I will just move to reconsider until we have the votes. Ken Salazar is going to have David Hayes working with him. Everyone should understand that. Secretary Salazar has bent over backward to answer the questions of Senators who are questioning these oil and gas leases and a few other things. Salazar is a man who is known for his ability to compromise. He is a consensus builder. I hope people will allow this nomination to go forward. If there were some question about Mr. Hayes having written a law review article where he is calling for something that is outlandish or if he had done something in the past that was out of line—I have never heard a single word about his qualifications. He is a man who is qualified for this job. The President has nominated him.

In fairness, I ask unanimous consent that my time be charged against the majority time, whatever time I used.

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

#### RECOGNITION OF THE MINORITY LEADER

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

#### TRUSTEES REPORT

Mr. McCONNELL. Mr. President, yesterday afternoon, the trustees of the Social Security and Medicare trust funds released their annual report. After reviewing its findings, it is clear that the future of Social Security and Medicare can be summed up in one word: unsustainable.

Even before the report was issued, we knew these programs could not remain

solvent for long under current conditions. Last year's report predicted that Social Security would start paying out more than it takes in by 2017, and that it would be bankrupt about two decades after that. Last year's report also predicted that Medicare would start paying out more than it takes in within a year and that the trust fund for this vital program would go bankrupt about a decade after that.

The report that was released yesterday presents a far graver scenario.

As a result of the current recession, Social Security will start paying out more than it takes in by 2016, and it will go bankrupt 4 years earlier than previously expected. The situation for Medicare is even more serious. Medicare is already paying out more than it takes in, and it will be bankrupt in just 8 years, 2 years earlier than expected, according to yesterday's report.

It would be irresponsible for Congress to wait any longer before addressing this problem. Some say we haven't reached a point of crisis yet, so we can continue to kick the problem down the road until these programs actually go bankrupt. They seem to think that if the house is on fire, it is OK to wait until the whole place burns down before you call the fire department.

Most Americans disagree. Most people think that if a program they depend on is falling apart, or is about to fall apart, then their elected representatives in Washington have an obligation to tell them about it, and to do something. The time to act is now, before these programs go bankrupt—not after.

The warning signs about Social Security and Medicare have been around us for years, and the problems with these programs are also at the core of the current record levels of government spending and debt. At the moment, programs like Social Security, Medicare, and Medicaid, as well as the interest we pay on the national debt, consume nearly seven out of every 10 dollars the Federal Government spends—Medicare, Social Security, Medicaid, and the national debt. Soon we will have little money left for anything else, including vital priorities such as defense, health care, transportation, and programs that fuel job creation.

Reform has been put off for too long. Take Medicare reforms, for example. By law, the President is required to submit legislation to lower Medicare spending levels if the cashflow of this program falls below a certain level. So last year, when Medicare cashflow fell below that level, the President submitted legislation to lower spending. Unfortunately, this legislation did not move forward in Congress.

Real leadership on entitlement reform will require action from both parties. And yesterday's report is the wake-up call. Reform is no longer just a good idea—it is absolutely necessary. It is the only way to restore these programs to fiscal health, and to get at

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the root of our larger fiscal problems. Unless we act now, these programs will no longer be sustainable, and spending and debt will continue to spiral out of control.

The good news is that a solution actually exists. As I have said many times before, the best way to address this crisis is the Conrad-Gregg proposal, which would provide an expedited pathway for fixing the long-term challenges of entitlement spending and our unprecedented national debt—challenges that the Democratic budget and their economic policies of the past few months completely ignore.

There has never been a better time to adopt this sensible bipartisan proposal. This week we learned that the deficit for the current fiscal year will be nearly \$90 billion higher than previously estimated—bringing the deficit for this year to \$1.8 trillion. This is nearly four times—four times—higher than the record set last year. It also means that this year's deficit is higher than those of the past 5 years combined.

The danger of all this debt is simple: higher inflation that threatens to derail an economic recovery, and trillions in debt that our children and grandchildren will have to repay to countries such as China and nations in the Middle East.

Secretary Geithner said yesterday that when it comes to reforming Social Security, the administration will build a bipartisan consensus to ensure Social Security remains solvent. I welcome the statement, and I urge the administration to support the Conrad-Gregg proposal which is the best way and, I would argue, the only way to address entitlement spending and our unprecedented national debt. After yesterday's report, it is clear we cannot wait any longer to address this crisis.

Americans have relied on programs such as Medicare and Social Security for decades. It would be dishonest and unfair not to tell them the truth about these programs—that they are near collapse and that urgent reform is needed to bring them back to sustainability. More than 800,000 Kentuckians receive Social Security benefits, and nearly that many are enrolled in Medicare. They deserve our honesty. And they deserve action from lawmakers on both sides of the aisle. We need to make sure programs such as Social Security and Medicare remain viable for them and for their children and their grandchildren.

Mr. President, I yield the floor.

## RESERVATION OF LEADER TIME

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

## NOMINATION OF DAVID J. HAYES TO BE DEPUTY SECRETARY OF THE INTERIOR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

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

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 1 hour of debate equally divided and controlled between the two leaders of their designees.

The Senator from Utah.

Mr. BENNETT. Mr. President, I rise in opposition to the Hayes nomination. I am here with the Senator from Alaska, and I wish to be told after I have consumed 15 minutes so the Senator from Alaska and I can coordinate our presentations.

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mr. BENNETT. Mr. President, I listened with interest to the statement of the majority leader with respect to David Hayes, and I agree with much of what he had to say. I feel compelled to correct some of the things he had to say because they are some of the same things the Department of the Interior has been saying that I find are, in fact, not factual.

I agree with him that the President should be entitled to appoint whomever it is he wants. And I agree with him that David Hayes is qualified for this position. I also believe, however, that Members of this body, who have the responsibility of the confirmation vote, are entitled to clear answers to their questions before the confirmation should proceed.

It is my opinion we have been asking for clear answers to those questions—to legitimate questions—and those answers have not been forthcoming. Therefore, I am not willing to proceed with the confirmation vote until we get those answers.

This is not to say I am opposed to David Hayes and will do everything to see to it he is not confirmed. Indeed, I want to do everything I can to see that he is confirmed as rapidly as possible. But “as rapidly as possible” does not mean I must give up my rights to receive clear answers to legitimate questions.

Let me go to some of the items the majority leader covered in his statement because they are the same items the Secretary of the Interior has used, and that others have used in press releases, that I believe need to be set straight. They are simply not factually true.

Let's start with the question of leases. Numbers. How many leases were put up and sold by the BLM in the last month of the Bush administration in

the State of Utah? The answer to that question is 128. Not 77; 128. All of those 128 leases were subject to exactly the same kind of procedure. All of them went through the same kind of review. All of them were handled by the same team of experts: career people within the Department. And all of them ultimately were sold.

The majority leader said this happened in the midnight hours of the Bush administration, as if this whole thing were cobbled together in the last minute. In fact, much of the activity dealing with the sale of these leases occurred over a 7-year period. Why? Because all of the parties involved wanted to make sure they complied with all of the rules. If it had been handled in a “rush it through,” “get it done during our political circumstance” sort of manner, they could have been granted in 2004 or 2007; it did not have to wait until the last months of 2008. The reason it waited until the last months of 2008 was because the plans were so meticulously reviewed to make sure they complied with every rule that it took that long. So let's get rid of the idea that this was a political decision on the part of the Bush administration. The record is very clear it was not.

All right. After the Obama administration took over, out of the 128 leases that were granted, suddenly 77 were withdrawn by the Secretary of the Interior. Why? If there was a flaw in the way these leases were handled, the entire 128 should have been withdrawn because they were all handled in exactly the same manner. The 77 were withdrawn because an environmental group filed a lawsuit. The environmental group decided which leases should be challenged, not the Department of the Interior. It was not a review by any career officer in the Department of the Interior that said these leases were flawed. It was a political decision by an environmental group that said we are going to file a lawsuit; and in response to that lawsuit, the Secretary of the Interior said: I am going to pull these 77 leases, and then gave the same justification for his actions that the majority leader has given here on the floor today; that is, they are right next door to the national parks and no one wants an oil rig next to a national park.

No. 1, most of the leases are natural gas; there are not oil rigs involved at all. And, No. 2, they are not right next door to the national parks. Some of them are as far as 60 miles away.

Let's look at a map I have in the Chamber and see where these leases are. On this map, shown in yellow are the national parks. This one is Arches National Park, and this one is Canyonlands National Park. Shown in green is existing oil and gas leases that were in place long before the December lease sale. Shown in red are the leases that were granted in the so-called midnight hours of the Bush administration.

A quick glance at the map makes it very clear that the challenged leases

alleged to be “right next door to a national park” are surrounded by existing leases that are closer to the national park than the leases that are being challenged.

The facts simply are not there to support the position the Secretary of the Interior has taken and the majority leader has repeated here today. The majority leader has depended upon the Secretary for his facts. The majority leader made a mistake in depending on the Secretary because the Secretary is wrong. That is one of the things that has caused me to raise this issue.

What is the real motivation behind this? Because to say the motivation is “they are too close to the national parks” simply does not apply.

There are some leases shown in red on the map that do not have any existing leases between them and the national park. But they do have a highway. If you are concerned about the national park experience being degraded by having leases where there may be some natural gas activity going on—that this activity will somehow that will destroy your experience in the national park—how about a highway destroying the experience of a national park? They are separated from the national park by a highway.

Let's look at another map, this one having to do with the Dinosaur National Monument. This is the one where some leases are 60 miles away. Yet the Secretary of the Interior would have you believe they are right next door, that they abut the existing boundaries of a national park.

Look at the green on the map which does, in fact, abut the boundaries of the Dinosaur National Monument. No one has ever complained about that. This was a purely political decision based on the lawsuit filed by an environmental group rather than by any kind of review.

I have asked the Department of the Interior: Justify your actions. Appoint a team that will give us the information we need and will tell us why these 77 leases are different than the rest of the 128 leases.

This is the reaction, this is the response I have received from the Department of Interior to my questions.

The first response that came from David Hayes was a supplemental answer to one of my questions regarding the review Secretary Salazar had committed to undertake. The next day, David Hayes followed up with a letter that came on Department of the Interior letterhead, and he signed it: David Hayes, Deputy Secretary Designee. This is as official a statement as we are going to get, and this is what he says in his response: “If confirmed, David Hayes will have overall responsibility for undertaking the review of the 77 parcels that were withdrawn from the Utah lease sale. Pending Mr. Hayes’ confirmation”—not dependent upon, but pending Mr. Hayes’ confirmation—“the review team will consist of the Acting Assistant Secretary for Policy,

Management and Budget, the Acting Directors of the BLM and the National Park Service, and their designees. The Acting Solicitor, Art Gary, will provide legal support to the extent needed.”

In the document where this team was named and laid out, the commitment was made that there would be preliminary work done on the report by the first of May and that the entire matter would be resolved by the 29th of May. And when the first of May came along, and we expected some kind of preliminary report from the Department, Secretary Salazar said: “We have done nothing, and we can do nothing until David Hayes is confirmed”—directly contradicting the statement we have in writing over the signature of David Hayes. I think we are entitled to raise a question about this kind of procedure.

The majority leader talked about the real issue in this matter. The real issue in this matter is the credibility of the Department of the Interior. If we are going to deal with the Department in the coming 4 or 8 years—whatever the electorate decides—we need to have some confidence that when the Department sends us a document and makes a promise, and names the specific people who will be involved in fulfilling that promise, that will happen. One final comment. The majority leader and the Secretary have said this happened without consulting the National Park Service. On that I have two points. No. 1, it is a matter of law that the BLM is not required to consult with the National Park Service on lease sales. They could have done this whole thing without talking to anybody at the National Park Service and been completely proper in terms of the law. They went beyond the requirements of the law and consulted with the Park Service to make sure there was no interference with national parks.

Here is what Mike Snyder, the National Park Service Regional Director for the Intermountain Region, had to say about that kind of cooperation and coordination:

I would like to personally extend my appreciation to the BLM field office managers who worked with the Park Service on the parcel-by-parcel review of these oil and gas lease parcels. They did an outstanding job working in collaboration with us.

Secondly—Mr. Snyder said:

Working with Selma Sierra, the BLM Utah State Director, has resulted in the kind of resource protection that Americans want and deserve for their national parks.

The BLM didn't consult with the national parks? The BLM did not discuss this with the national parks, when the National Park Service makes a statement of this kind for the record?

I repeat: The problem has to do with the credibility of the Department of the Interior. They have made a series of statements that are not true. They say these leases are too close to the national parks. Sixty miles away is not too close. They say there was no consultation with the National Park Serv-

ice. The National Park Service is on record as saying it is done. They made a promise on official letterhead from the Department of the Interior that a team would be appointed and a date would be met and the team was not appointed and the date was not met.

I am perfectly willing to vote for the confirmation of David Hayes as soon as the Department of the Interior lives up to the promises they have made and acknowledges that the statements they made about these leases are factually incorrect. It is not a matter of interpretation. It is not a matter of opinion. The maps are here. The documents are here. The statements are here. Let's have an honest discussion of it, and when that discussion is taken care of and a commitment made by Mr. Hayes on Department of the Interior letterhead is met, I will be happy to remove my hold and vote for his confirmation and urge all my colleagues on this side of the aisle to do the same. That is the issue with which we are faced.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, I appreciate the opportunity to follow my colleague from Utah, as he has so clearly laid out the grounds upon which he has placed a hold on the Department of the Interior nominee, David Hayes. I wish to make a comment at the outset: I don't think that either the Senator from Utah, and certainly not myself, in also placing a hold—this is not a situation where there is disagreement about Mr. Hayes' qualifications. This is not a personal matter or anybody out to get Mr. Hayes, if you will. This is about what is happening within the Department, as my colleague from Utah has mentioned, about the credibility within the Department of the Interior at this moment in time. The actions taken by Senator BENNETT in placing a hold and subsequently my actions in also placing a hold on Mr. Hayes and his nomination are strictly in keeping with the practice of being able to ask a potential nominee—whether it is within the Department of the Interior or any other position within the administration—questions and expecting to receive a response from that individual.

So I, too, rise to oppose the cloture motion for the nomination of David Hayes to be the Deputy Interior Secretary. From my perspective, this vote is over a very simple issue and it can be distilled quite easily and that is: Will this administration answer legitimate questions from Republican Senators? Before I give the background of my situation, I also wish to say I do regret being on the floor at this moment and having to make this statement. I believe this whole process we have gone through has been unnecessary, and at any point leading up to this, the Department of the Interior could very easily have cleared the way for this nominee without having to force a cloture vote. I will explain why.

It was 2 weeks ago that I added my name to the procedural hold placed by the junior Senator from Utah on this nominee, and I did so very reluctantly. I did not do it to be obstructive, to be an obstructionist in any way but, rather, to constructively obtain an understanding of the actions by the Department of the Interior that seemed to be, at least in my opinion, dramatically at odds with statements made by Secretary Salazar and President Obama regarding domestic energy production. I will make a statement for the record that neither I nor Senator BENNETT have asked the Department of the Interior to adopt or to repeal any specific rule or policy or take or repeal any specific administrative action.

The Senator from Utah has laid out, very clearly, his concerns, and I will only summarize for those who are listening to what we are talking about that the Interior Department, very shortly after the beginning of this administration, canceled the 77 oil and gas leases in Utah and gave factually incorrect justifications for its actions. All the Senator from Utah is asking for is a review of this very same issue.

Following the decision on the Utah leases, the administration announced a 180-day delay of the 5-year Outer Continental Shelf leasing plan. There was also a delay of the scheduled round of oil shale research, demonstration, and development leases. There was also a finding for justification of listing the yellow-billed loon, whose range extends through major oil and gas regions in my State in Alaska. There was also the determination that the Bush administration's mountaintop coal mining rule is considered legally defective. Finally, there was the unilateral reversal of the previous administration's Endangered Species Act consultation rules, and this was done without public hearing and without public comment.

It was this last issue—this issue that relates to the Endangered Species Act—that, in my opinion, was the straw that broke the camel's back. When the Bush administration listed the polar bear as a threatened species due to loss of sea ice, the world changed insofar as there had to be clear guidelines for keeping normal activities out of the purview of a huge and impossible regulatory scheme. We have cautioned against an overbroad interpretation of the polar bear rule, and Interior, to their credit, has taken the correct path on some of the most important rulemakings. I truly do appreciate that, and I have had an opportunity to convey my appreciation to Secretary Salazar. We are thankful for that. However, my larger concern remains that consultations could still be required for a host of energy projects, and in any event, that the Endangered Species Act's citizen suit provisions are still going to give rise to a multitude of lawsuits on when and where consultation with the Fish and Wildlife Service is mandated.

All this combined—all these various actions within the Department of the

Interior within a very short time period—caused great concern about the direction of our Nation's energy policy.

I have been very pleased about some of the comments I have heard from the President and from Secretary Salazar. They, themselves, have very clearly stated we do need oil and gas, and we should be producing more of it domestically. But what has been happening is the statements that have been made and the rulemaking and the policy directives have been at odds with one another. I will give a couple quotes from both the Secretary and the President.

Secretary Salazar has said: There is no—he was talking about renewable energies, but he goes on to state:

There is no question that the Nation will need to continue to produce oil and gas as a bridge to this energy future.

I absolutely agree with the Secretary.

The President a couple of weeks ago said:

As I've often said, in the short term, as we transition to renewable energy, we can and should increase our domestic production of oil and natural gas. We're not going to transform our economy overnight. We still need more oil, we still need more gas. If we've got some here in the United States that we can use, we should find it and do so in an environmentally sustainable way . . .

That is the end of the President's quote. I couldn't agree with him more.

But there is an inconsistency, as I have said, in the statements that have been coming from the administration and the actions as evidenced through the rulemaking or the policy directives.

I still have questions about whether this administration does indeed want to include increased domestic conventional energy production as one of the legs of our comprehensive energy policy or if the administration is going to say one thing and do another. If this President and his Interior Department want to scale back production, that is their prerogative, and we can certainly talk about that, but that is something I need to know, both as the ranking member on the Energy Committee and as a Senator coming from the State that has the greatest onshore and offshore oil and gas prospects left in North America. This is important that we know and understand where this administration is coming from.

I sent a letter to the Secretary when I placed a hold on Mr. Hayes, and I outlined my concerns. All my questions in that letter focused on how Interior will implement the policies it has announced and how it will defend against things such as the third-party lawsuits to which we believe they have made themselves pretty vulnerable. The White House and the Interior Department have communicated with me and my staff since I wrote that letter. Initially, we were told DOI doesn't want to answer the questions because they are too hard, there are too many of them, and they are too mean. Since that time, my staff has received a draft

of a letter. I received it last night about 7 o'clock. I appreciated their response, but in many ways it avoids many of the specific questions. I think there is an opportunity for us to go through my series of questions, have that discussion in a meaningful way, and get the clarity I am seeking which, as a Senator, I believe I am entitled to.

I will ask: If we can presume the Interior Department has been making its decisions and policies based on rational and well-thought-out facts and science, how hard can it be to question the decisions and the policies behind it?

Mr. President, I ask unanimous consent to submit for the RECORD the letter I sent to Secretary Salazar. I think my colleagues will see there are indeed some very hard questions contained in my letter, but at this level of Government, I would suggest there aren't very many easy questions left.

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

U.S. SENATE,  
Washington, DC.

Hon. KENNETH L. SALAZAR,  
Secretary, Department of the Interior,  
Washington, DC.

DEAR SECRETARY SALAZAR: I appreciate the comments that you and other members of the Department of the Interior have made on the importance of domestic energy production. As you are aware, however, this past Thursday, April 30th, at a business meeting held by Senate Energy and Natural Resources Committee, I expressed my strong concern over the widening disparity between those statements and the Interior Department's actions. At that meeting I announced my procedural hold on the nomination of David Hayes for Deputy Secretary of the Interior.

I trust my announcement was not a surprise. On Friday April 24th, Will Shaffroth, your Principal Deputy Assistant Secretary for Fish, Wildlife and Parks met with my staff regarding potential repeal of regulations for consultations under the Endangered Species Act (ESA). My staff noted that these regulations were adopted in full compliance with the Administrative Procedure Act, including public hearings and extensive public comment. Staff strongly urged Mr. Shaffroth that if you were determined to repeal the regulations, you also comply with the Administrative Procedure Act. Instead, you and Secretary Locke chose to repeal the regulations without public hearings or public comment. Last week, prior to my announcement, my staff talked to yours and informed them what would happen at the hearing.

It is my sincere hope and expectation that we can advance our respective understandings of the issues set out in this letter as quickly and honestly as possible. My intention is not to make your job more difficult. My intention is, however, to get clear answers and commitments with regard to what I and the American people should expect from our Interior Department when it comes to the pressing and fragile issues surrounding the stewardship of energy and natural resources on federal public lands under your jurisdiction and mine.

In my official statement on April 30, I expressed my cumulative frustration with, among other things, the cancellation of the 77 oil and gas leases in Utah; the 180-day delay of the 5-year outer Continental Shelf leasing plan; the delay of the new round of oil shale research, demonstration, and development

leases: the finding for justification of listing the yellow billed loon only one day after Tom Strickland's confirmation hearing; the determination that the Bush Administration's mountaintop coal mining rule is "legally defective"; and, finally, the reversal of the previous administration's Endangered Species Act consultation rules.

In reality, my decision to place the hold on Mr. Hayes is a reflection of concerns that extend beyond these publicly-stated issues and include my dissatisfaction with the questions for the record which I submitted to Mr. Hayes, as well as Mr. Strickland and Ms. Hilary Tompkins, the designate for Solicitor General. I have attached several examples of what I consider to be vague, equivocal, and ultimately meaningless responses to substantive questions which deserved and frankly require significantly more thought, effort, and specificity.

Finally, I am troubled by Interior's lack of a swift and assertive response to the DC Circuit Court's decision on April 17th to vacate your department's outer Continental Shelf Leasing Program. This decision alone could, depending on its interpretation, have sweeping impacts upon the Obama Administration's stated policy of including increased oil and gas production as a meaningful part of the nation's comprehensive energy policy.

The compounding nature of these acts and omissions demonstrates a consistent pattern of steps that are nearly certain to make domestic energy production more difficult, more time-consuming, and more expensive. This is fundamentally inconsistent with the repeated promises of the President and yourself to actively advance increased production of conventional energy sources. You are aware of my full support for and strong record of aggressively pursuing the technologies and infrastructure necessary to dramatically increase America's renewable energy capacity, but I am concerned that elements within the Administration are meanwhile acting upon a misguided belief that quietly but systematically and rapidly scaling back—or shutting down—domestic oil, gas, and coal production will somehow force a faster and smoother transition to a clean and secure energy future. It will not, and I trust you agree that the ultimate consequences of such a policy would be devastating to our Nation's economy and security, as well as the world's environment.

Given this fact pattern, I worry about what might be next. So, I am left with no option other than exercising my procedural remedies in order to obtain what I hope and presume will be authoritative, binding, and realistic responses to my concerns. To supplement the issues stated above and the attached questions for the record, the latter of which I would like to resubmit, please provide responses to the following items in substantive detail. Though the questions are detailed, I trust that all are issues that you and your staff have already thought about extensively, before you made the policy decisions referred to above.

#### ENDANGERED SPECIES ACT MODIFICATIONS AND CLIMATE CHANGE GENERALLY

Interior's basis for listing the polar bear as a threatened species was based in significant part upon 7 of 10 climate models showing a 97 percent loss in September sea ice by the end of the 21st century, presenting threatened destruction, modification, or curtailment of polar bear habitat. The previous Administration's change to the subsequent consultation rule attempted to ensure that a causal connection between harm to listed species or their habitats not be drawn from greenhouse gas emissions from a specific facility, resource development project, or government action. The rationale for this was that such

connections are manifested through global processes and cannot be reliably predicted or measured at the scale of a listed species' current range; or, would result at most in an extremely small, insignificant impact on a listed species or critical habitat; or, are such that the potential risk of harm to a listed species is remote. Reversal of this rule-making as regards consultation procedures, both formal and informal, risks resetting the required consultations to an all-encompassing level which I do not believe is sustainable, and prompts the following questions:

1. Since the Supreme Court has afforded Interior considerable discretion in enforcing what it termed a Congressional purpose and intent in ESA to provide "comprehensive protection" to species, including protection from significant habitat modification or degradation, please describe in substantive detail how the Interior Department will apply its discretion in deciding whether to require FWS consultation and concurrence specifically for each of the following federal actions, some of which will result, directly and indirectly, in the emission of various amounts of greenhouse gases upon completion, and most of which will require major levels of operation of heavy equipment; transportation of persons and goods; and large amounts of concrete, steel, aggregate, and other products produced through highly carbon-intensive processes:

I. Clean Air Act permits for any or all of the 28 coal-fired power plants now under construction, as listed by the Department of Energy's tally.

II. Corps of Engineers permit for development and construction of a pipeline to convey water from Dixie Valley to Churchill County, Nevada.

III. Department of Transportation permitting for a high-speed rail construction between Las Vegas, Nevada and Southern California.

IV. Federal funding of "Pavement rehabilitation" at Denver International Airport.

V. Federal funding to Caterpillar, Inc. for high-speed diesel fuel combustion technology.

VI. Department of Transportation funding of the Milwaukee Avenue Reconstruction project in Chicago, Illinois.

VII. Department of Transportation funding of the New Jersey Trans-Hudson Midtown Corridor.

VIII. NEPA documentation on grazing permit renewals.

IX. Hazardous fuels reduction projects on federal lands (resulting in changes in vegetation patterns.)

2. In the event that the Interior Department does not exercise its authority to mandate FWS consultations for the federal actions necessary for the projects stated under (1), does Interior anticipate multiple invocations of the citizen suit provisions under ESA Sec. 9(g) to compel consultations?

a. If so, to what extent is Interior prepared, equipped, and funded to defend against the multitude of citizen suits likely to be filed?

3. Does the reversal of the ESA consultation rule provide, in essence, for mandatory second-guessing on an intradepartmental level, suggesting that any biologists on staff at BLM, MMS, and other agencies are somehow less qualified (or unqualified) to evaluate potential impacts from and mitigation techniques for the activities which they specifically oversee than are FWS biologists?

a. If the non-FWS biologists are qualified, why is it necessary to compel mandatory FWS consultation?

b. If they are not qualified, what is the justification for their continued employment?

4. In science-based decisionmaking, what will be, in substantive detail, the procedural

process for moving forward for those occasions when scientific consensus does not exist at the departmental level?

5. How will Interior deal with a lack of broad scientific consensus outside of the Administration; i.e. new and independent scientific reports in direct conflict with Interior's scientists?

6. Given the reversal of the ESA rule, regarding development of the outer Continental Shelf, does the Department intend to formally consult on the polar bear and listed corals for every scheduled lease sale, exploration plan, and other federal action necessary to advance offshore development?

a. If so, what are the minimum and maximum amounts of time that this might take?

b. Are you able to show the proximate causal connection between the direct and local effects of oil and gas activity and the species in question?

c. Will the consultation requirement be based, in any scenario, on indirect global effects of these activities?

7. Is Interior presently conceptualizing, planning, or formalizing any further modifications to or reversals of any of the Bush Administration's ESA rules?

#### CLIMATE CHANGE AND SCIENCE-BASED DECISIONS GENERALLY

8. In the science-based decisions which FWS must make, will scientists and only scientists select from the multiple climate change output models available with an ability to do so independent of political and professional influence and incentives?

a. Will Interior commit to a stated policy that such scientists must refrain from basing any part of the selection of climate models upon the model's congruence with the Department's desired administrative outcome?

9. In the world of academic research, the difference between a 4% and 7% probability of error can mean the difference of a scientific paper being published or not. But in the world of government science, as with the Intergovernmental Panel on Climate Change, anything above a probability of 66% is "likely". Does Interior agree that regulatory decisions affecting real lives and livelihoods ought to be held to and based on a standard commensurate or approximate to those of academic research, or is a 66% likelihood "close enough for government work"?

10. Regardless of the scientific standards, will Interior commit to affording full transparency into, and disclosure of, the uncertainty behind all "science-based" decisions?

11. What is Interior presently doing to standardize how it interprets uncertainty in scientific analyses?

12. Will regulatory decisions, regardless of their economic implications, move forward so long as one of the many climate models suggests an impact has a 66% probability?

13. How will Interior balance contradictory evidence of competing climate models and will Interior establish a priori as its preferred model?

14. How will Interior avoid post-hoc decisions on which model to choose based on an individual scientist's preferred outcome?

#### OCS LEASING AS RELATES TO THE 5-YEAR PLAN AND 4/17 DC CIRCUIT OPINION

15. Please describe in substantive detail the particular process and timing it will take to remedy the issues cited by the DC Circuit with regard to the 5-year plan?

16. Please describe in substantive detail the factors and the criteria Interior will be using to evaluate that it has reached the "... proper balance between the potential for environmental damage, the potential for the discovery of oil and gas, and the potential for adverse impact on the coastal zone"?

17. As Interior conducts a more complete comparative analysis of the environmental



sensitivity of different areas of the outer Continental Shelf, attempting to identify those areas whose environment and marine productivity are most and least sensitive to OCS activity, will you commit to specifically taking into account all existing statutes and regulations that provide for coastal and ocean protection and restoration, and will you presume all of those inherent associated mitigations in your assessment of potential impacts and sensitivities?

18. What specific and detailed factors will the Interior Department be weighing in assessing and reconsidering the Leasing Program's relative assessment of the environmental sensitivity and marine productivity of the various planning areas?

19. Presuming the eventual advancement of the exploration and development of the Chukchi Sea planning area 193, what specific factors will Interior require and/or take into account in evaluating exploration plans for approval? Please make this list of factors as comprehensive and exhaustive as possible.

20. Since the petitioners in the DC Circuit case were focused on the Alaskan areas of the OCS leasing program, will Interior reconsider the entire program or instead make modifications only on those more controversial areas?

21. At which individual stage of the Leasing Program, in which Interior is required to conduct additional and more detailed assessments of the Program's potential effect on the proposed leasing areas, does Interior anticipate legal "ripeness" for the Center for Biological Diversity to survive threshold challenges to the justiciability of their remaining claims?

22. How will you ensure a timely turnaround on these issues given the lack of extensive baseline data for many of the areas?

#### GULF OF MEXICO LEASING AND ROYALTY RELIEF

23. Is it within any official or unofficial policy of Interior to support efforts to require companies that paid a premium to acquire 1998 and 1999 leases in the U.S. Gulf of Mexico to now be required by legislation to agree to include price thresholds in the leases they continue to hold as a condition of acquiring additional leases?

24. With such major projects as Shenzi and Tahiti now coming on line, does Interior agree with the oil and gas industry's assessment that the 1995 Outer Continental Shelf Deep Water Royalty Relief Act provided an effective mix of incentives to encourage the industry to invest billions of dollars for the benefit of the American consumer? If so, does Interior foresee any potential negative impact upon exploration, development, and production of oil and gas as a result of legislatively changing the terms of the deal struck in 1995?

25. In opposing various bills before the Congress last year, the oil and gas industry took the position that the legislation would, if enacted, constitute a breach of contract and an unconstitutional taking of property without compensation under the Fifth Amendment. Does Interior hold a similar view of the contract and constitutional law implications of such a material change in government terms?

26. In the 110th Congress, Ambassadors from five allied Nations (Norway, Spain, France, Canada, and Australia) expressed their official opinions in writing about the potential to modify the lease terms—including contravention of treaty obligations and violation of numerous international trade agreements. Do you believe the Ambassadors had a reasonable basis for these concerns?

a. If Interior considers the concerns of the Ambassadors anything short of reasonable, does Interior anticipate a situation where

litigation or legislation may lead to either strained foreign relations or reciprocal treatment of U.S. investments in the corresponding nations?

b. If Interior considers the concerns of the Ambassadors to be valid, is it Interior's position that their added complications warrant separate and distinct treatment than domestic companies with similar interests in the Gulf?

27. If Congress were to enact legislation comparable to the excise tax proposal put forward last year by the Senate Finance Committee, would you be concerned about the likelihood of litigation and the diversion of the Department's resources with respect to that litigation?

28. Now that the U.S. Court of Appeals for the Fifth Circuit has denied rehearing in the Kerr-McGee litigation, would you consider it reasonable for Members of Congress to oppose any legislation that would now seek royalties from 1996–2000 leaseholders on the basis of a price threshold?

#### MTR COAL MINING RULE

29. On December 3, 2008 the Office of Surface Mining Reclamation and Enforcement (OSM) issued a final rule clarifying the treatment of excess spoil disposal from coal mining operations after 7 years, 43,000 comments, and 4 public hearings. The rule requires mine operators to avoid disturbing streams to the greatest extent possible and clarifies when mine operators must maintain an undisturbed buffer between a mine and adjacent streams, thereby clarifying a long-standing dispute over how the Surface Mining Control and Reclamation Act of 1977 should be applied. Just last week Interior reversed its position on this issue asking the Department of Justice to file a plea with the U.S. District Court requesting that the rule be vacated as "legally defective." Please describe, in substantive detail, the criteria for avoiding the apparent insufficiencies in future rulemakings on this particular issue.

a. In reshaping a legally sufficient rule, what specific steps will Interior take to ensure it observes the proper administrative rulemaking process including issuing a draft rule and opening it up for a comment period?

b. What specific safeguards does Interior intend to put in place to ensure that this change does not halt or delay coal mining operations, jeopardize jobs, and reduce domestic energy production?

#### GENERAL POLICY

30. If, at the close of the current four-year Presidential term, America's overall oil production has decreased in terms of pure volume, will Interior consider this fact a success or a failure?

31. If, at the close of the current four-year Presidential term, America's overall oil production has decreased as a percentage relative to foreign imports, (e.g. 25% of domestic consumption as opposed to 35% of domestic consumption) will Interior consider this fact a success or a failure?

Again, thank you for your time, patience, and prompt attention to these issues and questions. It is my hope that the stated energy intentions of this Administration will begin to track more closely with its day-to-day actions. In the meantime, your careful consideration of this letter ought to help inform the Interior Department's still-forming policy. Your leadership will be critical, and it will be appreciated well into the future.

Sincerely,

LISA MURKOWSKI,  
United States Senator.

Ms. MURKOWSKI. As I indicated in my initial comments, I am not trying to be an obstructionist. In response to DOI's complaints, I have offered to sit

down with them, in good faith, and go through the questions one by one. The standard I would use would be if any Member of this body were to be Secretary of Interior, which of the questions would they have insisted that their staff extensively analyze prior to taking the actions the Department has taken? I do believe my questions will be answered, but it is clear that in the short term, these questions are being answered because of this cloture motion. That troubles me because I believe the Senate, in its role to advise and consent on Presidential nominees, is entitled to answers from the administration about what its policy is as we move forward.

It should not matter whether these questions come from Republicans or Democrats. It is reasonable to expect that any one of us in this body can get honest answers about how this administration is going to pursue and implement an energy policy.

I hoped we would have an opportunity to sit down and go over the questions, but, instead, this morning we are going to see a vote on the floor.

My hold on David Hayes didn't come attached with demands to change a rule, make a rule, or approve a plan or policy. I just want some answers as to what the administration's policies are going to be. My commitment is to get those answers.

Regardless of what happens with this vote today, I am certainly going to pursue actively the development of all forms of energy in this country because we are going to need all of them in high volumes. I do look forward to working in good faith with the Interior Department, whatever its makeup, because we have a lot of work to do. We know that. We need to commit to that level of activity.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, David Hayes is a superbly qualified individual who has been nominated by the President to be the Deputy Secretary of the Interior. We know for a fact that he is superbly qualified because the Senate has already confirmed him for that exact office once before. That was 9 years ago. He served in that office with great distinction during the Clinton administration.

Mr. Hayes also served as counselor to Secretary Babbitt for several years before being appointed Deputy Secretary. In those roles, he handled many of the most challenging issues facing the Department of the Interior, ranging from the acquisition of the Headwaters redwood forest in California, the restoration of the California Bay-Delta ecosystem, the negotiation of habitat conservation plans under the Endangered

Species Act, Indian water rights settlements, and energy development on the public lands.

In addition, Mr. Hayes has had a distinguished legal career, focusing primarily on environmental and natural resource matters. He has served as a senior fellow for the World Wildlife Fund, a consulting professor at Stanford University's Environmental Institute, chairman of the board of the Environmental Law Institute, and chairman of the board of visitors for the Stanford Law School.

Those of us who know Mr. Hayes and had the opportunity to work with him when he was the Deputy Secretary before know him as a man of great knowledge, ability, and integrity, and as someone who strives hard to find constructive, progressive, and consensus solutions to difficult environmental challenges.

But the debate this morning is not really about Mr. Hayes or his qualifications for the office to which the President has nominated him. It is about certain actions that have been taken by the Bush administration during its final weeks in office and whether the Obama administration will be allowed to reconsider those actions.

During its final weeks, the previous administration took a number of controversial actions on endangered species, land withdrawals, mountaintop mining, and oil-and-gas development. It is no secret that in its rush to lock in these actions before it left office, the previous administration didn't give adequate consideration to environmental concerns and legal requirements. Several of these actions have already been overturned by the courts.

Secretary Salazar has inherited this legacy. He is doing his best to address the situation in a fair and balanced way but one that reflects the new administration's commitment to openness and to transparency and to strict adherence to the law.

Among other things, this has meant having to withdraw 77 oil and gas leases issued by the Bush administration in Utah that a Federal court has enjoined because it appears that the previous administration failed to comply with the National Environmental Policy Act, the Federal Land Policy and Management Act, and the National Historic Preservation Act.

It has also meant having to try to salvage the current 5-year plan for oil and gas development on the Outer Continental Shelf after an appeals court found that the previous administration had failed to follow legal requirements when it adopted that plan.

I can understand why some Senators might be concerned about the new administration reviewing the policy decisions of the previous administration. But what I cannot understand is why they would want to obstruct the nomination of David Hayes.

No one can seriously question Secretary Salazar's commitment to the responsible use and development of our

natural resources or his commitment to protecting the public interest, basing his decisions on sound science and complying with the law. But more than 100 days into his tenure, Secretary Salazar remains only one of the two Presidential appointees in the Interior Department who has been confirmed by this Senate. We need to send him help. We need to confirm David Hayes.

The Constitution entrusts this body with the power to advise and consent to the President's nominations. As former majority leader Mike Mansfield, said:

Our responsibility is . . . to evaluate the qualifications of the nominee and to record our pleasure or displeasure, to give our advice and consent or our advice and dissent.

I believe David Hayes is extremely well qualified to be Deputy Secretary again. Any fair evaluation of his qualifications on the merits warrants our advice and consent. If Senators wish to dissent, then they should do so, but they should go ahead and invoke cloture so we can vote on this nomination.

Mr. President, at this point I yield the floor.

Mr. SESSIONS. Mr. President, I share the deep concerns about the decision of the Secretary of the Interior not to go forward with cancelling certain oil and gas leases. I am afraid this represents yet another action that irrationally reduces America's production thus forcing the country to send wealth abroad to purchase oil from foreign nations to the detriment of our economy.

While I had no particular objection to the nominee, I do believe that Senator BENNETT and others deserve a complete hearing on their concerns and this is why I choose to oppose cloture at this time.

Mrs. FEINSTEIN. Mr. President, I rise today to support the nomination of David Hayes to be Deputy Secretary for the Department of the Interior. I think extraordinarily highly of him.

At a time when western water issues are at a crisis point, we need someone with experience and knowledge at the Department of the Interior. Many of our great rivers and estuaries are locked in conflict, and I can think of no one better than David Hayes to work to resolve these issues.

He is smart, he is well respected, he gets into the details, and he can close a deal.

David Hayes has been nominated for the No. 2 position at the Department of the Interior. This is an important job. As Deputy Secretary, he would work closely with Secretary Salazar and have management responsibilities over the entire Department, as well as policy responsibilities over the entire Department.

He would have statutory responsibility as the chief operating officer to help lead a department of 67,000 employees and an annual budget of approximately \$16 billion, including annual and permanent funding.

The Deputy Secretary is the day-to-day administrative manager of the Department and an integral part of the policy decisions.

His prior experience in the Clinton administration in the job means he can hit the ground running.

We need him to be confirmed so we can move on issues like climate change, public lands management, and resolve some of the longstanding water conflicts, including the Bay-Delta in my home State.

I believe he has the confidence of Secretary Salazar, and he has my confidence, and I think very highly of him.

He has been able to take critical land and water issues and work out agreements. His great strength is his ability to negotiate.

When it comes to western water, energy, Indian affairs, and many of the other issues that face Interior, having someone who can consult with the key parties and earn their support on a way to move forward is essential.

David Hayes also was key to resolving a decades-old conflict about the Colorado River.

The Quantification Settlement Agreement enabled California to reduce its overdependence on the Colorado River to its 4.4 million acre-foot apportionment over a 15-year grace period and assures California up to 75 years of stability in its Colorado River water supplies.

Without the agreement, California risked being suddenly cut off from the excess of almost 5 million acre-feet of Colorado River water it had been taking, instead of having 15 years to get there.

David Hayes was instrumental in working out the Headwaters Agreement, which converted 75,000 acres of the largest private old-growth redwood grove to the public lands, protected forever.

David Hayes worked very hard to bring the parties together and negotiate a path forward for the timber company on its remaining lands and to preserve the old-growth redwoods—a large, virtually untouched tract land with 1,000- and 2,000-year-old trees.

David Hayes also worked on the historic Cal-Fed agreement, which affected the urban environmental and agricultural needs of the entire California Bay Delta region. We are again in crisis, and we need him back to help resolve it.

All of these were difficult and sophisticated agreements which needed the determined and steady hand that David Hayes provided. Time and again he was able to bring people together behind a broadly agreeable plan.

David Hayes has been well respected since his days at Stanford Law School in the late seventies, where he was recognized for his outstanding editorial contributions to the Stanford Law Review.

He has a long and distinguished career in private practice, which has always focused on environmental, energy, and natural resources matters



and the interconnectedness between the three.

From 1997 to 1999, David Hayes served as the counselor to the Secretary of the Interior, and from 1999 to 2001, he served in the very position that we are considering him for here today.

So there is no doubt that he is extremely well qualified to fill this position.

David Hayes is well positioned to negotiate the many complex issues that face the Department of the Interior today, including the proposed removal of dams on the Klamath River, the development of renewable energy and conservation of the deserts, and the management and conservation of California's Sacramento-San Joaquin River Delta for habitat restoration and water supply goals.

I know that there are some who believe that one cannot understand the West without being from the West. I can only say that there is no one whom I know of who is a candidate for this office who brings more experience in western issues than David Hayes. He is really unparalleled in the arena of Federal officials.

I believe he would be a real asset to the administration, and I hope you will join me in supporting him. I urge my colleagues to vote to confirm David Hayes.

Mr. MERKLEY. Mr. President, I rise today to speak in support of confirming David Hayes to be Deputy Secretary of the Interior. Mr. Hayes is supremely qualified—he has in fact held this exact position before, in the Clinton administration. He has an impressive track record of handling controversial issues and doing so by building consensus among diverse constituencies.

He has successfully used this approach with some of the most pressing issues facing our western states. He worked closely with Senator JON KYL and a range of water and environmental interests to negotiate the framework for the Arizona Water Settlements Act—a historic settlement of water rights disputes involving municipal, agricultural and tribal water users in the State of Arizona. There are pressing water rights issues in the West and across the Nation that need resolution today.

In addition, he worked with Senator DIANNE FEINSTEIN to negotiate the acquisition and protection of the old-growth redwood Headwaters Forest in northern California, along with an accompanying habitat conservation agreement that continues to protect endangered salmon and bird populations on 200,000 acres of adjacent, privately held forest lands in northern California. There are pressing needs to resolve forest management issues today—to protect old-growth habitat while restoring forest health and creating jobs in our forests.

We need Mr. Hayes on the job.

Over the last 4 months, Secretary Salazar has faced a difficult task of

cleaning up the mess the previous administration left at the Department of the Interior.

The American people remember the Department of the Interior under the Bush administration as a Department where “anything goes.” It is the Department the American people associate with Jack Abramoff. It is the Department where agency employees were serving the oil companies instead of the public. And it is the Department where the former assistant secretary in charge of fish and wildlife tampered with the science behind Endangered Species Act decisions.

Again and again, the courts have thrown out the decisions of the Bush administration Interior Department because they didn't pass the smell test.

Last month, for example, a Federal court vacated the entire 5-year plan for oil and gas leasing because the Bush administration didn't do the environmental review properly. So Secretary Salazar and the Obama Interior Department have had to go back to the court and ask for permission to fix it, so that current oil and gas activities aren't disrupted by the bad judgment of the previous administration.

Before that, a court in Utah froze last-minute leases that the Bush administration had granted near Arches and Canyonlands National Parks because the Park Service hadn't been consulted. So Secretary Salazar and the Obama Interior Department have had to go back and review the leases, one by one, to see if any of them are appropriate for development.

It is not a matter of politics in the decisions the Interior Department is making, it is a matter of fixing broken processes and restoring the trust of the American people in the Department that manages one-fifth of the Nation's landmass and 1.7 billion acres off the coasts.

And Secretary Salazar is taking the decisions one by one.

Where Interior is finding good decisions from the Bush administration, they are keeping them in place. Where they are broken, they are fixing them. And when they can't be fixed, they are going back to the drawing board.

Not everyone in this—chamber will agree with every decision that the Interior Department will make. But wouldn't it be a breath of fresh air to see Interior following the rules; fixing problems; making decisions based on the public interest, the best scientific data available, and the rule of law.

David Hayes has served his country under the Clinton administration as Deputy Secretary of the Interior, and served well. He earned a reputation as a problem solver—as someone who will listen and find common ground.

He will help our Nation tackle the complex natural resource challenges we face. There is much work to be done—on water rights, on forest health, on a number of critical issues.

I urge my colleagues to vote in support of Mr. Hayes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, how much time remains on the Democratic side?

The PRESIDING OFFICER. There is 15½ minutes remaining.

Mr. DURBIN. Thank you. Mr. President, I rise today to discuss the long list of nominees for the Obama administration who are being held up by the Republican Party of the Senate. The Republican Party has been characterized now as a “party of no.” It is a phrase we have been hearing a lot. Consistently, when President Obama has reached out in a bipartisan fashion to ask the Republicans to join him in changing the culture in Washington, in addressing the major issues of our day, in working with him to find compromise legislation, the answer has almost exclusively been “no, not interested.”

Why? Because despite our best efforts to work together, we have been met at every turn by a Republican negative response. Now the party of no—the Republicans in the Senate—has decided to filibuster the nomination of David Hayes to be the No. 2 person in the Department of the Interior.

You must think that is a pretty controversial position, right? Senators on the Republican side, who have made long speeches against filibustering nominees, are breaking their word and now initiating these filibusters. This must be some red-hot controversial position that this man is clearly unqualified to fill. That is not the case.

The Deputy Secretary of the Interior manages the day-to-day operation of the Department of the Interior and works closely with the Secretary on key policy decisions.

David Hayes's previous 2-year tenure in the same position as Deputy Secretary of the Interior and his career of experience give him the knowledge and ability to immediately hit the ground running in this demanding position.

The Secretary of the Interior, Ken Salazar, a former Member of this body, personally reached out to the Republican side of the aisle, telling them he needs to have David Hayes confirmed to make headway on the administration's and the Nation's priorities, including renewable energy production on Federal lands, the effects of climate change on the natural landscape, and reengagement in the resolution of challenging water issues.

David Hayes has a long track record of negotiating solutions to difficult natural resource issues and working cooperatively with Members of Congress.

When he was Deputy Secretary under the Clinton administration, he worked closely with the Republican whip, Senator JOHN KYL of Arizona, on a range of water and environmental interests to negotiate the framework for the Arizona Water Settlements Act.

He worked with Senator FEINSTEIN, on the Democratic side, to negotiate

the acquisition and protection of old-growth redwood Headwaters Forest in northern California.

He partnered with Senator MARY LANDRIEU of Louisiana to secure Land and Water Conservation Fund monies to preserve bayou lands in Louisiana.

This man has experience. He has worked with both sides of the aisle. He has 30 years of experience in natural resources and environmental law, with special expertise in resolving complicated issues. Apparently, 30 years of experience, having held the same job, and having worked with both sides of the aisle is not good enough for the party of no.

On May 6, Senator MURKOWSKI sent a letter to Secretary Salazar raising concerns about the decisions the administration has made in the last few months. The three issues are revisions that the administration has proposed to the Endangered Species Act, regulations relating to future leases in offshore drilling, and the administration's withdrawal of 77 oil and gas leases in Utah.

Senator BENNETT, who is on the Senate floor, continues to object to the administration's withdrawal of 77 oil and gas leases. These leases were withdrawn as a result of a court-ordered injunction, and they are currently under review by the Department.

They are blaming David Hayes for this? Blame the court for this. Give this man a chance to serve our country.

Well, he is not the only nominee held up by the party of no in the Senate. This year, 17 nominees have had to wait and wait and wait for a rollcall vote to be confirmed. In most years, these nominees would have been approved by unanimous consent. Not this year.

Apparently, the Republicans in the Senate don't believe that President Obama has a mandate to lead this country. They are challenging his assemblage of a team of people to make this Federal Government run more efficiently and effectively. This year, the Republican minority demanded rollcall vote after rollcall vote on what were routine appointments by the Obama administration. They would threaten filibusters, force 2 and 3 days of delay, require a 60-vote margin, and then what happened?

Here is one of the controversial nominees. Listen to his vote. Gil Kerlikowske, nominated to be Director of National Drug Control Policy, was held up, debated, and threatened. His confirmation vote was 91 to 1. Thomas Strickland, nominated to be Assistant Secretary for Fish and Wildlife, Department of the Interior, was confirmed 89 to 2. Kathleen Sebelius, nominated to be Secretary of Health and Human Services, was confirmed 65 to 31. Christopher Hill, Ambassador to Iraq, confirmed 73 to 23; Tony West, Assistant Attorney General, confirmed 82 to 4; Lanny Breuer, Assistant Attorney General, confirmed 88 to 0; Christine

Anne Varney, Assistant Attorney General, confirmed 87 to 1; David Kris, Assistant Attorney General, confirmed 97 to 0.

They made us wait for days and weeks and months to bring these names up before the Senate because of the controversy, and listen to the votes: 97 to 0, 87 to 1, 88 to 0. This isn't about the nominee. This isn't about controversy. This is about slowing down the assembly of President Obama's team to bring real change to Washington. That is what this resistance to David Hayes is about as well.

This list goes on. I won't read them all. I will put them in the RECORD. But to put this in historical context, at the start of 2001, when the Senate was controlled by the President's party until May 24, there wasn't a single filibuster of a nomination. The Democratic minority didn't filibuster a single Bush nominee at the start of 2001. This time, we have had to file cloture six times because of threatened filibusters. The following nominees were at least initially filibustered and required a cloture motion: David Ogden, Austan Goolsbee, Cecilia Rouse, and Hilda Solis, for the sole and exclusive purpose of slowing down the assembly of President Obama's administration so there could be an effective and efficient handing over of power.

These Senate Republicans are still negotiating the last election. They want another chance at it. Well, the American people had their day. On November 4 of last year, they elected a new President and asked him to do his best to lead our Nation in troubled times. Sadly, the Republican Party that lost that election will not face the reality that this President needs a team of skilled professionals to stand by him and deal with the real challenges we face in this country. They are slowing down and stopping nominations of well-qualified people who, when they are ultimately called to the floor for a vote, get overwhelming rollcall support.

We have surpassed the number of cloture motions filed on nominations during President Bush's entire first term—four. When President Reagan was elected, in a landslide, a Democratically controlled Senate worked with him to confirm his nominees. So far, the Senate has confirmed 104 Obama nominations. At the same point in 1981, with President Reagan and a Democratic Congress, it confirmed 125 Reagan nominations. The largest gap between nominations and confirmations during this point in the Reagan administration was 71. The largest gap between nominations and confirmations during the Obama administration is 124, a number reached last week.

Unfortunately, this Republican delay is not likely to end soon. There are currently 18 nominees sitting on the Executive Calendar. By our count, there are almost 12 holds on the Republican side of the aisle. A couple of them are worth noting. Senator John Kerry's

brother, Cam Kerry, a well-qualified man, has been nominated to be general counsel of the Department of Commerce, but the Republicans have refused to move his nomination, with no stated reason, no objection to this good man. Regina McCarthy, to be Assistant Administrator of the EPA for Air and Radiation, has been held up because two Senators want her to repudiate the administration's position on climate change.

Once again, they want to renegotiate the November 4 election. Many of the holdups are the result of Republicans asking for policy changes to reinstate George W. Bush policies. Didn't we have an election to decide that?

The nomination of David Hayes is an example. The holds have nothing to do with him. The Republicans holding up his nomination simply want to reinstate George W. Bush-era policies. They long for those good old days under President George W. Bush. They are going to resist change, resist this President, and hold up as many people as they can that he needs to be a success.

Well, elections have consequences. Americans voted for change. But the party of no is holding up the President's agents of change. I urge my colleagues on the other side of the aisle to change their approach and to work with us to confirm a well-qualified man and much-needed person, David Hayes, and the rest of the Obama administration's nominations.

Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER (Mr. BENNETT of Colorado). There is 4½ minutes remaining.

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

I am sorry, I withdraw that. I see Senator BENNETT is on his feet.

Mr. BENNETT. Mr. President, is there any time remaining on the Republican side?

The PRESIDING OFFICER. There is no time remaining on the Republican side.

Mr. BENNETT. I ask the assistant Democratic leader if he would respond to a single question?

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Let me do this: I want to yield 1 of our 4 minutes to the Senator from Utah, and then I will respond.

Mr. BENNETT. I thank my colleague.

I have listened with interest to the comments of my friend from Illinois—and we use that term loosely around here, but he really is my friend—and I would simply like to add this one historical postscript: Two of the Deputy Secretaries for Interior were held up by Democratic holds in the Bush administration, one for 6 months and one for 8 months, both on issues I consider to be less significant than the issue I have discussed here today. Senators have a right to get answers to their questions

before they make their confirmation votes, as demonstrated by the Democratic Senators who held up these two Deputy Secretaries. My hold of this Deputy Secretary for Interior is nowhere near the amount of time Democrats used when they were holding them up. I would like that historic footnote added to the Senator's comments.

Mr. DURBIN. Mr. President, I acknowledge what my colleague said, and I don't dispute it. I don't recall those particular deputies or their names, but I certainly don't question the facts he has given.

How can you look at David Hayes for this spot, after 30 years of experience, after having held the job before, after actively working with Republicans and Democrats to resolve contentious issues, and say this man is not qualified for the job? I don't get it. I am waiting for the smoking gun to come out. What is this explosive issue that the Republicans know that would hold up this nomination, and they can't come up with it?

Unfortunately, it is part of a pattern. This isn't just about David Hayes, it is about another 18 names sitting on our calendar here—18 names of individuals who are willing to give up their private careers, willing to come to work here in Washington, sometimes for a cut in pay, under difficult circumstances, to serve this new administration and try to change this country. They make the commitment, they get the decision by the family, they come forward, they go through the nomination process, they fill out reams of paper, they sit through the committees and finally get approved by the committees, they get on the calendar, and what happens, usually? Not in this case because Senator BENNETT has been very public about his opposition. Usually it is an anonymous hold by some Republican Senator, fearful of using his name publicly, who will hold up the nomination indefinitely. These poor people languish on this calendar. I commend Senator BENNETT for standing up and stating his opposition. Although I don't agree with it, at least he has had the courage to come forward. That is not the case on many of these.

This is the pattern that is emerging: Slow things down, force us to a vote, and when the vote finally comes, it is an overwhelming vote in favor of the nominee. The sole purpose is to try to stop the new Obama administration from putting in place the team they need to bring real change to America. President Obama said repeatedly during his campaign that real change is hard to come by, that it takes time and there will be people who will fight it every step of the way. We are seeing one of those battles on the floor of the Senate today when it comes to David Hayes.

For goodness' sake, give President Obama and Secretary Salazar the people they need to be successful in the Department of the Interior. I urge my

colleagues to support the cloture motion and to move this nomination forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I rise today to speak in support of confirming David Hayes to be Deputy Secretary of the Interior. Mr. Hayes is supremely qualified. He has, in fact, held this exact position before in the Clinton administration. He has an impressive track record of handling controversial issues and doing so by building consensus among diverse constituencies. He has successfully used this approach a number of times working in our Western States. He worked closely with the Senator from Arizona on a range of water and environmental interests and negotiated the framework for the Arizona Water Settlements Act, a historic settlement of water rights disputes involving municipal, agricultural, and tribal water users in the State of Arizona. And that is no small matter. You know, they say in the West that whiskey is for talking, but water, that is for fighting. That is how important it is, that is how difficult it is, and it took a good man like this to bring diverse interests together to solve those problems and move forward.

In addition, Mr. Hayes worked with Senator FEINSTEIN to negotiate the acquisition and protection of old-growth redwood Headwaters Forest.

Mr. President, I ask that we have a strong, affirmative vote to fill out the Department of the Interior and put it to work on the issues facing our Nation.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

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

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

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 nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KEN-

NEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The yeas and nays resulted—yeas 57, nays 39, as follows:

[Rollcall Vote No. 189 Ex.]

#### YEAS—57

Akaka	Feinstein	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Kyl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

#### NAYS—39

Alexander	Crapo	Martinez
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Reid
Bunning	Grassley	Risch
Burr	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Hutchison	Shelby
Cochran	Inhofe	Thune
Collins	Isakson	Vitter
Corker	Johanns	Voinovich
Cornyn	Lugar	Wicker

#### NOT VOTING—3

Kennedy	Kerry	Mikulski
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The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 39. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is rejected.

Mr. DURBIN. Mr. President, I ask unanimous consent that the motion to reconsider the vote by which cloture was not invoked on the David Hayes nomination be considered entered by the majority leader.

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

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. KERRY. Mr. President, I was necessarily absent for the vote today on the motion to invoke cloture on the nomination of David Hayes to be Deputy Secretary of the Interior because I was attending a funeral. If I were able to attend today's session, I would have supported cloture on the Hayes nomination.●

Ms. SNOWE. Mr. President, I rise to expand on my vote in favor of Mr. David Hayes to be Deputy Secretary of the Interior. It is my understanding that Senator BENNETT has requested answers to a series of substantive questions regarding the Department of the Interior's decision to withdraw 77 parcels in Utah from an oil and gas lease sale. I strongly believe that it is the prerogative of any Member of the Senate to have his or her questions answered in detail, especially concerning an issue relevant to their home State. I further understand that the Secretary of the Interior has indicated

that there will be a thorough review of the administrative record concerning the 77 lease parcels and the Department will provide a report with recommendations by May 29, 2009. I believe that this is a reasonable path forward on the issues at this time. With that said, if Senator BENNETT's questions are not sufficiently addressed by that date, I reserve my right to object to future executive nominations to the Department of the Interior. I look forward to successful resolution of Senator BENNETT's concerns.

Mr. DURBIN. Mr. President, I ask unanimous consent that following the statement by Senator LANDRIEU of 4 minutes, the Senate resume legislative session and resume consideration of H.R. 627.

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

Mr. DURBIN. Mr. President, I would amend that unanimous consent request. I wish to amend that to allow 5 minutes for the Senator from Louisiana, and 5 minutes for Senator CRAPO, and then the Senate resume legislative session and resume consideration of H.R. 627; and at that point, Senator MENENDEZ be recognized for 10 minutes.

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

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wanted to take a few minutes in reference to the vote we just had. I cast my vote for the nominee, based on not only his experience with the Department, but based on my confidence in the Secretary that the President has appointed to help lead this country to a position of energy security, a position we do not enjoy at this very moment.

Despite the work that has been done here and on the other side of the Capitol in the last couple of years, despite the rhetoric of several decades, we do not enjoy energy security. We have environmental issues, but we have security issues.

I wanted to express this, because there was obviously some hesitancy about this nominee based on an issue, I believe, involving domestic oil and gas production. That is what this vote was about, not about this personal nominee.

This was a vote to express concern, which I share to some degree, that this administration has not positioned itself appropriately and aggressively enough in the area of domestic energy production, of traditional as well as alternative and new sources.

Here I want to express that while I voted yes on this nominee, that I plan, and Members on the Republican and Democratic side plan, to be more vocal in expressing our concern to this administration that the tax proposals on the oil and gas industry are not going to create jobs. We are going to lose jobs, 1.8 million.

While we move to alternative fuels, we are turning our back on traditional

natural gas, which is plentiful, which makes money for lots of people, which secures America, strengthens our industry and creates jobs.

So this was a vote to indicate an unsettling on this floor, both from the Republican side and among some Democrats, that this issue needs to be addressed more directly and more aggressively.

I have all the confidence, as I close, in Secretary Salazar. He served right here with us a few years ago. I know he seeks a balance. So I trust that we will start seeing some aggressive comments coming out from the administration as we push forward to keep leasing up in the gulf off the coast of Alaska, opening up Virginia, other parts of the Continental Shelf, as well as the plentiful gas in your own State, and in places such as Pennsylvania and Ohio, where our industries are desperate for this cheap, clean energy source.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I wish first to indicate to the Senator from Louisiana that I agree with her comments. I think the last time I got up to speak on this energy issue she was here on the floor as well. I share her sentiments about the need for us to continue to focus on developing a rational national energy policy for our Nation.

On July 30 last year, I stood before this body to talk about the No. 1 issue in the country to the people at that time: energy. Gasoline prices were over \$4 a gallon and surging, and Americans were wondering what their leaders in Washington, DC, were going to do to help. I place tremendous faith in the opinions and ideas of Idahoans. So in early July I asked my constituents to write to me and tell me what they thought we ought to do and to describe to me what the impact of our failure to have a reasonable national energy policy was having on their lives. Then I made a promise that I would submit their stories to the CONGRESSIONAL RECORD, a process I vowed to continue until all of their stories had been submitted. In total, I received over 1,200 responses from my State, 600 almost overnight. It has taken me nearly 10 months to get all of these stories entered into the CONGRESSIONAL RECORD due to the requirements of the CONGRESSIONAL RECORD limitations as to how much can be submitted each day.

Today I submit the last of those stories, and I want to share with you what we have learned. I received touching stories from Idahoans about how they have been negatively impacted by higher energy prices, and the stories indicate that high energy prices had impacted every aspect of their lives. Idahoans had to cut back on family time. Many were unable to visit elderly relatives and had to cut back on family activities together outside of the home such as sports or music lessons. But those were just some of the less serious challenges Idaho families faced. Many

had to cut back on their home repairs, their air conditioning, and their contributions to their retirements plans. Many had to make a decision between whether to eat food or to pay for the gasoline they needed to get to their work and keep their job or to purchase needed medications.

I can remember one story of a young mother telling me how she and her husband had started eating much less so that their children could have enough to eat, and they could still have enough gasoline each week to get to work and keep their jobs.

Many of their stories were heart wrenching. Many talked about losing their jobs and being forced to relocate or to make decisions between, as I indicated, purchasing gas or eating their next meal. Many reduced their expenses, cut their luxuries and found ways to economize. But the dramatic increase we experienced last year brought Idaho families, as many in other States, to their knees asking for help.

They offered explanations about what has happened and offered links to various publications and videos they found helpful. They attached photos of their circumstances. They sent legislative resolutions from national, State and local entities to remind us that other legislators around the country were interested in finding solutions to this issue as well. Many of them have spent a lot of time and energy on this subject, researching energy options and sharing their opinions on what they have learned. They offered solutions. My constituents suggested we need more conservation, that we need more domestic drilling. They wanted more public transportation and more nuclear power options. They pushed for additional renewable and alternative energy sources and research.

In short, they came through with the kind of common sense that people all across this country have been sharing with this Congress on the need for energy solutions. They want us to be less dependent on petroleum, and they want us to be less dependent on foreign sources of this petroleum. They want us to have a broad, diverse energy base of renewable and alternative fuels, including strong support for nuclear power. But above all, they were angry at Congress for not dealing with the issue of high energy prices. They couldn't believe the country had been through an energy crisis before but that Congress still has not managed the issue and come up with a solution. Idahoans expressed frustration with partisan politics and the inability to move past the age-old arguments and reach consensus on a comprehensive energy policy. Many said they were grateful I had asked for their thoughts.

I come before the Senate to echo my constituents' comments and concerns about our energy policy and to offer solutions. As I stand before the Senate, we are no closer to a comprehensive energy policy than we were last July. Yet

economic indicators point to a rally in crude oil prices. Oil is now above \$58 a barrel and gas prices are the highest they have been in 6 months. We don't need a repeat of last summer. We need to work together to craft a comprehensive energy policy that promotes domestic security and creates American jobs while providing energy at the lowest cost possible to consumers.

The key to the energy future is to take a balanced approach that includes domestic production, conservation, renewables, nuclear, and alternative fuel development.

I would like to conclude my remarks by repeating my constituents' desire for the kind of bipartisanship that can transform this country's energy policy. I welcome the opportunity to work with all my colleagues on this issue. I encourage us not to get into another energy crisis such as we faced last summer, with Congress having failed to take the important steps it can to help America become energy independent and a strong supplier of its own energy resources.

I yield the floor.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009—Resumed

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 627) to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

Pending:

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

McConnell (for Gregg) amendment No. 1085 (to amendment No. 1058), to enhance public knowledge regarding the national debt by requiring the publication of the facts about the national debt on IRS instructions, Federal Web sites, and in new legislation.

Vitter amendment No. 1066 (to amendment No. 1058), to specify acceptable forms of identification for the opening of credit card accounts.

Sanders amendment No. 1062 (to amendment No. 1058), to establish a national consumer credit usury rate.

Gillibrand amendment No. 1084 (to amendment No. 1058), to amend the Fair Credit Reporting Act to require reporting agencies to provide free credit reports in the native language of certain non-English speaking consumers.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, we see gathering clouds in this economic storm and those clouds are credit card debt. At the very same time that it is becoming harder to get new credit, Americans have almost a trillion dollars of credit card debt outstanding.

Defaults are rising and delinquencies are at a 6-year high. It is clear this isn't only a question of consumers overspending. Credit card companies are trying to boost their profit with deceptive practices and making the situation worse. People are seeing so much of their paychecks eaten up by late fees, over-the-limit fees, and interest payments that today companies can unilaterally increase at any time. Credit card companies are pushing cards on college students who can't afford them and teenagers are winding up with a lifetime of debt.

Companies are raising interest rates on consumers and customers who have a perfect record with their credit card but miss a payment with some other creditor. Maybe worst of all, if you have a credit card, chances are there is a line in the fine print that says the company can change the rules at any time. Considering some of the changes companies have made already, who knows what they could do tomorrow.

I have heard from thousands of people in New Jersey who feel their credit card contracts are booby-trapped, that their credit card agreements conceal all kinds of trapdoors behind a layer of fine print. Take one false step and your credit rating plummets and your interest rate shoots through the roof.

These are the same kinds of stories we started hearing as the foreclosure crisis began. Right now there is nothing stopping credit card companies from doing this to consumers—no law, no level playing field, no protection for the average American, no way to get the kind of fair treatment we expect as a matter of common sense.

When some people see that their interest rate has shot through the roof for no apparent reason, they call and plead with their companies for help, but their fate lies solely in the hands of the credit card companies. If the companies don't want to help, they are out of luck and stuck with an even bigger mountain of debt. Meanwhile, credit card companies are still making multi-billion-dollar profits. This isn't just impacting the lives of individual Americans and families trying to make ends meet; it has major ramifications for the entire economy.

One of our major economic challenges right now is getting credit flowing again but not at the high price credit card companies are imposing. The economy is never going to get running at full speed again if consumers can't get their bearings because they have fallen behind on a payment treadmill that credit card companies keep speeding up. If there is any time to end deceptive practices and level the playing field, it is now.

Credit card reform is something I have been calling for since I set foot in the Senate. In 2006, one of the first pieces of legislation I introduced was an effort to reform credit card practices. Even then it was clear credit card debt was a looming problem that had the potential to wreak havoc on

American families unless we achieved commonsense reforms. If there is one thing we have learned from this economic crisis, it is that we can't wait for a dangerous situation to reach full-blown crisis proportions before we act.

This Congress, as I have done for several Congresses, I introduced the Credit Card Reform Act to tackle essentially the same issues this current bill deals with, including banning retroactive rate increases, protecting young consumers from being sucked into the cycle of debt, reasonably tying fees to costs, and prohibiting unilateral changes to agreements.

We have \$1 trillion collective debt in credit cards. That is how big this issue is. I am proud to see Chairman DODD's credit card reform bill includes many of the provisions I included in my bill and have championed for years. His leadership is what has brought us to the floor today. I included in my bill many of those provisions, and we have championed them together.

Though in some cases I would like to see different provisions that I think would make for stronger legislation, I still look forward to working with the chairman on one or two of those. But this bill represents one of the strongest, most comprehensive efforts yet to end some of the most egregious practices of credit card issuers, while making sure that Americans young and old don't fall so easily into financial traps.

The principle behind this bill is simple: Companies should be clear about the rules upfront, and they should not change them in the middle of the game. The bill says, similar to a provision I have been pushing, if companies want to change the terms of credit card agreements, they have to give reasonable notice before they do so. It will end an industry practice known as universal default on existing credit balances so companies don't raise interest rates on customers' outstanding debt when they have a perfect record with that credit card but maybe miss a payment by a few days with some other creditor.

I called for this in my bill, and I am proud to see Chairman DODD has it in his. I am also proud he included a provision I called for in my bill to make sure that when fees are imposed, they are reasonably tied to the original violation or omission that triggered the fee, not just the companies' desire to increase profits.

This bill will discourage the bait-and-switch tactics behind the preapproved offers that almost every American consumer has seen come into their mailbox, an idea I also put forward strongly in my own bill. When you get a card offer, the offer should be real. The terms should not be so good to be true that it fades away once you apply for the card. This legislation will provide recourse for consumers, if a card issuer tries a sleight of hand and changes the terms in the fine print.

One of the things I have been focused on—and I am glad to see it in this

bill—will protect young consumers from credit card solicitations they didn't ask for. I am convinced, having seen my own children, when they were in college and studying but not working, get an incredible number of preapproved credit cards, I could stack them this high, or my State director's 2-year-old who got a preapproved credit card, if you have a Social Security number and a pulse that, in fact, you can get a credit card.

I am proud this bill includes a provision that says people under 21 can proactively opt in to receive credit offers, but they will no longer will be lured into deals unless the decision is their own. It would also ensure that when college students do opt in and apply for a credit card, they prove that they or a cosigner can actually make the payments on that debt before they get that card. That is something I even think should be considered more broadly, ability to pay as a fundamental essence.

This way we don't get people on the march of bad debt, bad credit, and all the consequences that flow therefrom. For far too many people, credit card debt is already a personal financial crisis. If we don't act soon, it could grow to become a national financial crisis. Already there is a trillion dollars in collective debt. We cannot allow predatory and deceptive practices in the industry to continue as we did in the subprime mortgage market. We cannot allow the credit card problem to become the next foreclosure crisis.

When it comes down to it, this legislation is about trust. At a time we have seen financial institutions fail, either fail to be profitable or just fail to be honest, it is clear that restoring trust by ending deceptive practices is good for everyone. People are not demanding too much, just rules that are fair, understandable, and don't change in the middle of the game.

It is time we give individual consumers the tools to level the playing field when it comes to dealing with credit card companies. This legislation is about creating a trustworthy financial system, restoring some commonsense rules of the road, and stabilizing our economy by making it possible for consumers to get their footing.

At the end of the day, that is in the interest of all Americans. Now it is time to act because, similar to the debt on our credit cards, if we keep putting this problem off month after month, it is only going to get worse.

I look forward to working with the chairman to pass this bill, making it as strong as possible and making sure it becomes law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MERKLEY. Mr. President, I commend my chairman, the distinguished Senator from Connecticut, for his work on the legislation before us today. This has been a complex issue. The chairman has worked very hard to bring

people together on all sides. I commend also the senior Senator from Alabama for his vital engagement on these reforms that touch the wallet or the pocketbook of virtually every American. America needs credit card reform.

Take the case of Maggie Bagon, a 59-year-old social worker from Salem, OR. As reported in the *Oregonian*, Maggie used her card conservatively. She paid her bills on time. So she was incensed when her credit card company charged her a late fee.

So she called up the bank. They told her the terms of her contract permitted them to sit on her payment for 10 days before they posted it to her account, and that made it feasible—in fact, lawful—for them to charge her a late fee when she paid her bill early.

That type of practice is a scam. Maggie and thousands of Oregonians, perhaps millions of Americans, have been charged late fees for paying their credit cards early. That kind of deception and trickery has to end.

Late fees for early payments is not the only type of scam we have had in this industry. How about interest charges on balances that have been paid off? Well, you have paid it off, and you are very happy about that. You are now free of interest? No, you are not—not under the rules of the fine print in many credit card agreements.

How about fees for going over the limit when you do not know you are over the limit? Well, it used to be you were simply turned down and that was fine because that was the deal you had and you understood the deal. But now suddenly you get your credit card statement, and you find out you were charged a \$30 fee when you bought a newspaper with a credit card or you were charged a \$30 fee when you bought a \$5 meal with your credit card because the bank was not going to tell you about the fee because they wanted to collect those fees for going over the limit.

Well, this act will fix that problem, that type of scam on the American worker. In fact, credit card companies have even charged fees for making your payments at all. Some charge fees for paying with a check. Some charge fees for paying over the Internet. Some charge fees for paying by telephone. That is simply crazy, and this act will address these types of tricks and traps that have become key and central to the industry.

As a member of the Oregon House of Representatives and as speaker, I worked with my colleagues to reform lending practices in our home State. We tried to address credit card practices to establish fair rules of the road, and our legal counsel said: No, you can't do that here at the State level. You have to do that at the Federal level. It is federally preempted. So we were not able to help people such as Maggie, the citizens of our State, have fair practices. Only the Federal Government, under Federal law, can make these changes.

But if we all have reserved to ourselves the power to set fair practices, then we have a moral obligation to set those fair practices. We have an obligation on behalf of the millions of American citizens such as Maggie. That is why this legislation is so important.

It is strong, commonsense legislation which targets the most abusive practices. In particular, I am proud it prohibits "universal default" on existing balances—that bait-and-switch tactic when, under the deal you have signed up for, you are charged 7 percent, but after you make those charges, your interest rate is suddenly switched to 29 percent.

I am proud this bill requires that payments beyond the minimum monthly payment be applied to the balances with the highest rate of interest.

I am proud this bill limits the aggressive solicitation of young persons; that it prohibits fees based on the method of payment, be it telephone, mail, Internet or otherwise; that it prohibits over-the-limit fees unless a person opts in to that feature—it is a fair deal, you choose it—and that it prohibits late fees if the card issuer delayed posting the payment.

These long-overdue, commonsense reforms are important steps to bring transparency and fairness to credit card contracts. These reforms will help Maggie and millions such as her from Connecticut to Oregon and everywhere in between.

Friends, this legislation is also good for our banking system. There is one clear lesson we have learned this year; that is, fair lending results in families who are on a solid foundation, strong consumers, and it avoids the sort of securitization that results in poison pills being based on fraudulent, deceptive practices, poison pills that infect our banks and financial institutions around the world.

Even the banks are aware this system is flawed, and some have tried to offer better, safer cards. But they found it hard to differentiate themselves. Why is that? Well, here is why. It is pretty straightforward. Consumers do not have the time or patience to read the dozens of pages of fine print that come in a credit card contract and then to compare its terms—and be able to evaluate its terms—to the dozens of pages that come with another credit card.

But even if a person dedicated a week of their life to comparing two credit card contracts, it would not matter because, at the end of the contract, it says: These terms can be changed at the discretion of the credit card company at any time. And they are changed frequently. Therefore, the contract does not give you the ability to compare and contrast. Therefore, we have a dysfunctional market because consumers are not able to choose better cards with better practices.

We need to create a functional market where there is competition—competition not based on how many tricks



and traps you can insert into the fine print but competition based on value, based on good interest rates, based on fair fees, and based on good, old-fashioned consumer service.

Friends and colleagues, this legislation is fundamentally about fairness. It is long overdue. Our citizens deserve fair contracts on credit. It makes our families stronger. It makes our national financial system stronger.

I certainly commend Senator DODD for his 20 years of labor, day in and day out, to reform these practices. I commend President Obama for his leadership on this very important issue.

Friends, it is time to adopt these reforms. President Obama is waiting. Maggie Bagon of Salem, OR, is waiting, along with millions of other Americans, for simple fairness.

I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from Connecticut.

Mr. DODD. Madam President, before my colleague from Oregon leaves the floor, I wish to thank Senator MERKLEY, who is a former speaker of the house in his home State. He is a new Member of this body and a welcome addition to it. While he and my colleague from Colorado, Senator BENNET, and Senator WARNER from Virginia are new Members of the Senate and new members of the Banking Committee, I wish my colleagues to know what incredibly valuable additions they have been to the committee and to this body.

In the few short months they have been here, I have gotten to know all three of them very well. We have had a lot of—almost, I think, close to 20—hearings in the Banking Committee since January 20 on a variety of issues. We had a housing bill up last week, which took a good part of the week, with some 20 amendments. Now we have this legislation. There is a lot of work in front of us.

I wish to express to the people of Oregon how grateful we are to them they have sent JEFF MERKLEY to the Senate. He is making a wonderful contribution, and it has been in a matter of days. Certainly, on this issue, he has brought a wealth of knowledge and experience to the subject matter of consumer issues. Certainly, his additions and thoughts on the credit card legislation have been invaluable, as have been those by BOB MENENDEZ, who was here a minute ago, the Senator from New Jersey, who is a more senior Member of the Senate but a former Member of the House. Also, his concerns about young people and the proliferation of credit cards arriving at their homes unsolicited, and in some cases being preapproved, has been a source of great concern for me over many years. To have the addition of BOB MENENDEZ expressing his interests on those subject matters has brought us to the point where we now finally have provisions in this bill that do protect young people and their families.

I pointed out yesterday that 20 percent of college students have in excess of \$7,000 in credit card debt, and the average college graduate today is leaving college with more than \$4,000 in credit card debt. In fact, one of the major reasons why students drop out is because of credit card debt.

Again, we understand the value of a credit card. But the responsible use of it by the consumer and also the responsible proliferation of these cards by the issuers need to be in balance. It is not. This bill changes that, and we think for the better, which will provide the use of credit cards but in far more responsible ways than certainly presently is the case.

I am very grateful to Senator MERKLEY, Senator MENENDEZ, Senator BENNET, and Senator WARNER, who have been involved in this debate over the last number of weeks and months. I am confident and hopeful in the next 2 days or so we will be able to finish the bill and work out with the House the differences we have, which are not many, and send this legislation to the President.

The President, by the way, is the first American President who has spoken up so forcefully, on numerous occasions now over the last several weeks, on this issue. To have an American President talk about the importance of reform of the credit card industry has made an invaluable contribution to public awareness about this issue—not that the public needed to be made aware of it. The public has been living with it. They have been far more knowledgeable about this, with 70 million accounts over the previous 11 months having their interest rate go up. That is one out of four American families.

As you have heard in anecdote after anecdote, fees have been raised, penalties have been imposed, charges have been added on, with no cause, no justification whatsoever. It is the only contract I know of where one party can change the terms at will. If you buy a home, if you buy a car, if you buy an appliance, there is a contract. The seller cannot change the terms midway in that contract. On credit cards they can, and they say it bluntly: For any reason, at any time, we will change the contract. Of course, that is terribly unfair to American consumers, at a time they are paying an awful price economically, as well as with jobs being lost and homes falling into foreclosure.

I am hopeful this bipartisan bill Senator SHELBY and I have put together will enjoy broad bipartisan support. I cannot think of a more significant message we can send to the American public about this institution caring about what they are going through today. We have spent a lot of time over the last number of months dealing with financial institutions: stabilizing them, TARP money, automobile assistance. Americans are wondering if we are ever going to do anything about what they are going through. Cer-

tainly, I understand—I think most of my colleagues do—that stabilizing our financial institutions ultimately will get credit moving and be a great help to businesses and consumers. But it is an indirect assistance. This is direct assistance.

This is an opportunity to say, it is not going to happen any longer. We are putting a stop to it. The people are going to get the kind of help they deserve. People need credit cards. They are essential for them in the conduct of their everyday lives. But they need to have the assurance that the terms are not going to change, the rights do not change, the credit limits do not change on the basis of the issuer deciding that on their own. This bill addresses all of those issues in a very comprehensive and thoughtful manner.

I am grateful, again, to the members of the Banking Committee, as well as to Senator SHELBY, of course, and others who have helped put this legislation together.

The majority leader has been a champion in this area, and he is the one who has allowed us to be on this floor and to engage in this debate. Having leadership that insists upon this kind of debate occurring is welcomed in this country, and I thank Senator REID, as well, for those efforts.

With that, Madam President, unless others wish to be heard, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. 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. REED. Madam President, I wish to make some remarks with respect to this pending legislation. First, I wish to commend Senator DODD and Senator SHELBY for developing this bipartisan legislation. It will bring more fairness to the credit card market and provide more predictability to the many Americans who use credit cards, which is practically all Americans today.

Families are being squeezed on every side. The unemployment rate continues to rise. The situation, we hope, is beginning to stabilize across the country. However, in my State of Rhode Island, there is still a significant 10.5-percent unemployment rate. That is unacceptable. Individuals are still working, but they are receiving pressure to take pay cuts. Home values have fallen precipitously. As a result, people can no longer call upon their biggest investment and their biggest source of wealth: their home. All of this is adding to the dilemma that is facing working families across this country.

At a time of declining home prices, rising unemployment, and the pressures of daily life, individuals are faced with higher and higher credit card interest rates, which makes it even more difficult to make ends meet. People

who have never missed a payment are facing double-digit interest rate increases because card issuers are currently permitted to increase rates at any time for any reason.

Our small business owners are struggling. The Federal Reserve April 2009 survey of senior loan officers shows that banks continue to tighten standards for credit for small business lending and to decrease existing credit lines. With few viable alternatives, many small business owners must use their personal credit cards just to keep the lights on in their company and to stay afloat, and they also are subject to these arbitrary increases of their interest rates.

The Dodd-Shelby substitute restores balance to a market that has lacked adequate consumer protections for far too long. This legislation codifies the rules the Federal Reserve recently issued by prohibiting double-cycle billing, retroactive interest rate increases on credit card holders in good standing, and other questionable practices. It will institute commonsense rules that will make a meaningful difference for consumers, and this is a very important and very positive first step. These Federal Reserve rules have done that.

But this bill goes further. It requires that penalty fees be reasonable and proportional to the cost of the violation. It requires that any interest rate increases on new purchases be reviewed every 6 months so that consumers can return to a previous rate if conditions change. It also protects consumers who have temporarily fallen on hard times by requiring 60 days before penalty interest rates can be imposed.

It shields young people from taking on more debt than they can handle by limiting prescreened offers to young consumers. It also gives consumers more access to the information they need to make wise financial decisions, such as requiring full disclosure about due dates, penalties, and changes in terms.

I am pleased that much of the bill will take effect just 9 months from enactment. This is an aggressive but achievable effective date—something I pushed for, along with my colleagues, particularly Senators DODD and SHELBY. When the Federal Reserve first announced that its rules would not be implemented until July 2010, I wrote to Chairman Bernanke urging him to reconsider the effective date in light of the economic crisis.

This legislation is careful to try to make changes in a way that preserves consumer access to credit. Implementation is staggered in recognition that some of these changes are very narrow in scope and others are more far-reaching. For instance, an important provision requiring a 45-day notice before any interest rate increase will take effect in 3 months. Other changes, which may require more time to be implemented appropriately, will be instituted on a different timeline. This is a sensible and rational way to quickly

address issues that are clear cut. It will also place more difficult issues on a timeline that will provide relief but give an opportunity to effectively implement these changes.

I am, however, disappointed that the ban on retroactive interest rate increases will not take effect until 15 months after the bill is enacted. I think we should do that much more quickly. I point out that 15 months is even later than the date included in the Federal Reserve's original rules, although we are improving upon their original approach. This bill goes further than the Federal Reserve's rules, and in that sense I think it is important and timely and effective.

This bill will stop the exploitation of credit cardholders, there is no doubt. But we must acknowledge that when card issuers return to careful underwriting standards because they can no longer change interest rates at will, credit may become tighter. As a result, for some consumers, a credit card will be harder to come by. We have to recognize that. That is something which I think should be explicit rather than implicit.

One more point. Our first priority is protecting consumers, but what should not get lost in the debate is that robust consumer protections benefit the whole economy. We are now seeing what happens when some financial institutions are able to pursue profits without reasonable safeguards for borrowers, without prudent underwriting, without effective due diligence. The short-run gain quickly turns into long-run pain for the economy. That is precisely what has happened over the last several months. Not only did consumers suffer, but also the institutions that originally underwrote these products suffered.

All of this having been said, the legislation before us is timely. It will provide long-overdue protections to Americans—individuals, households, families, and businesses. I urge my colleagues to support this important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

U.S. DEBT

Mr. GREGG. Madam President, I rise to speak about the dire situation of our fiscal house and the Federal Government, which has been confirmed and reinforced by the recent trustees' report on Social Security.

We are in big trouble as a nation because of the amount of debt we are running up. This President has proposed a budget that doubles the debt in 5 years and triples it in 10 years. He proposed a budget that runs, on the average, a trillion dollars of deficit every year for the next 10 years—4 to 5 percent of GDP in deficit. In fact, this year the deficit will be almost \$2 trillion and it will be almost 13 percent of GDP—staggering numbers, numbers we have never seen as a nation except during

World War II when we were fighting for survival. These numbers add up to debt that is unsustainable and cannot possibly be repaid by our children and therefore will create an atmosphere for our children and our children's children where our Nation will not be as prosperous or as strong as it was when our Nation was passed on to our stewardship.

These problems are only massively compounded by the report that came out yesterday from the Social Security trustees because they pointed out that the Medicare trust fund is going into a negative cash flow situation and the Social Security trust fund will soon go into a negative cash flow situation. What does that mean? Well, in the last 15 or 20 years, we have basically been financing our Government by borrowing from the piggy bank of Social Security and using that money to operate the day-to-day costs of the Federal Government. What the trustees are telling us is that the piggy bank is broken. It has been smashed. It no longer has any money in it. It is not going to take in money that exceeds the amount of money it has to pay out. In fact, we are going to have to borrow money now in order to pay Social Security benefits beginning in 2016 and Medicare benefits right now, this year.

This chart reflects the seriousness of the situation. If you take just these basic mandatory programs—Social Security, Medicare, and Medicaid—the cost is escalating on a steep upward slope. By around the year 2025 or 2030, these three programs alone will absorb all of the money the Federal Government has traditionally spent on all of the programs of the Federal Government—20 percent of GDP—and then they go up. It is projected that toward the middle of this century, Social Security, Medicare, and Medicaid will literally bankrupt our Nation by themselves. That says nothing about the basic underlying budget, which is expanding so dramatically under this Presidency.

The debt of this country under President Obama's proposal and budget, because of spending in these three accounts and because of the new spending the President proposed in all sorts of other accounts—massive expansions in the size of Government, where the debt of the Federal Government just goes up and up, to the point where it will represent, at the end of President Obama's budget, 80 percent of the gross national product. Today, the Federal debt is about 40 percent of the gross national product, down here, but after the spending spree of President Obama and the Democratic Congress, it will be 80 percent of the gross national product.

We will be in a position where we cannot get out of the hole. Usually, when you dig a hole that is too deep—and we are deep in the hole already, by the way—you stop digging. That is the old adage. If you are digging a hole and you are underground, you stop digging. We are not going to stop digging as a

government. What the President and the Democrats are suggesting is that we bring a backhoe into the hole and dig twice as fast, so that we go even further down into the negative, into debt. That is not sustainable. It is not survivable for our kids because they are going to end up with costs and deficits that far exceed their ability to be able to manage.

The Medicare system alone has an unfunded liability of \$37.8 trillion. When you throw in the Social Security system on top of that, you are talking about unfunded liabilities of over \$42 trillion. What are the implications of that? If you took all the taxes paid in the United States since we were formed as a nation, since we began our Government and started to collect taxes, we have paid less in taxes than we have in obligations on those two accounts. If you took the net worth of every American—all of our homes, cars, and stock—and you added it all up, we have a debt on the books for the purpose of paying for the programs that we know already exist under Medicare and Social Security—we have a debt that exceeds the net worth of the entire country. That is the definition of bankruptcy, by the way—when your debt dramatically exceeds your assets.

In fact, by the 10th year of this budget, as proposed by President Obama and passed by the Democratic Senate—without any Republican votes because it is such an irresponsible budget—the interest on the Federal debt alone will be \$850 billion. To try to put that into context, the interest on the debt will actually exceed what we spend on national defense. It will exceed by a factor of 4 or 5 what we spend on education and on transportation. So we will be putting more money into paying interest.

By the way, to whom do we pay this interest? We pay it to the Chinese, to the Japanese, to Southeast Asian countries, and, obviously, to the Arab and oil-producing countries. We will be paying more interest to those nations—more American hard-earned dollars will go to those nations to pay interest on our debt—than we will have available, what we will be able to spend on our own national defense.

Does that make sense? No, it doesn't make any sense at all. Plus, it is not supportable.

There are only two things that can happen to our Nation. When you run up the debt in the manner in which this deficit is proposed and in the manner these deficits will do under the budget passed here, when you look at the debt and the serious financial situations of Social Security and Medicare, there are basically only two things—unless we take action on controlling spending now—that can occur. One is that you devalue the dollar and inflate the currency. That is sort of a combined thing. You basically take the value of the American currency and inflate it. That is the cruelest tax of all. That says to people who have savings that

they will find they are worth less the next day because of inflation. It says to the people who want to buy things that they can buy less because of inflation. Inflation is a massive tax on working Americans. That is one way you get out of debt, you inflate it. The practical effect of that is that people won't want to buy your debt. If they know inflation is coming, they won't buy your debt. Why give you \$1 billion to buy a billion dollars of American debt knowing that you are going to pay them back in inflated dollars? If they are going to give you a billion dollars, or lend it to you, they are going to require much higher interest rates than we presently have to pay because they are going to have to anticipate inflation and the fact that the value of the dollar will be reduced and that the value of the debt they just bought will be worth less. So inflation has a lot of very bad ramifications.

But how else do you get out from underneath the debt? The other way is to massively increase taxes on all Americans. This euphemism that we are just going to tax the rich—you cannot do it by just taxing the rich even if taxing the rich is something you want to do.

On the other side of the aisle, they claim they are going to raise the rate on high-income Americans from 35 percent up to an effective rate of about 41 or 42 percent, as proposed by the President. These high-income Americans, making more than \$250,000, are the majority of the job producers in America. Most of the jobs in America are produced by small businesses today, and almost all of those small businesses would be hit with this additional tax rate. So what happens to the small business, that mom-and-pop activity in New Hampshire, which is suddenly starting to grow? Maybe they have 10 employees and they want to add 12 or 15 more, but they cannot do it because they have to take their money and put it toward paying taxes. They are not going to be able to put it toward adding more jobs, which would be much more beneficial to us than having the money come to Washington and having the people in Washington decide how to efficiently spend it. It is spent much more efficiently by small business.

It is not like they are undertaxed. A 35-percent tax rate on a small business means they are taxed more than any other people in the industrialized world for small business activity. Most corporate taxes and business taxes in the world average out around 20, 19, 15 percent. In the United States it is 35 percent, if you are an individual or a subchapter S corporation. Now they are talking about taking it up to 41 percent under the proposal from the other side of the aisle.

That is their plan for taxes. This is tax the rich. Even though for the most part this is small business and it will cost us jobs—fine, let's accept the tax-the-rich argument. How much money do they get from that? Not very much, compared to what they are talking

about spending. They, the other side of the aisle, are proposing increasing spending by over \$1 trillion on the discretionary side—that is education and things like that—and over \$1 trillion on the entitlement side. The revenues from this tax increase are about one-fifth of that spending increase, maximum one-fifth—and that presumes that wealthy people are not going to be smart enough to go out and figure out ways to avoid taxes, which is what people do who have accountants when their tax rates go up. They figure out a way to invest so they do not have to pay their taxes at such a high level, legally, by investing in things that are tax avoidance vehicles.

It is not a very efficient way to manage the economy. We would rather have people invest in a way to get the maximum return because that creates the most productivity in society, which promotes the most jobs, but what happens is people invest not to create jobs and create return, they go out and invest to avoid taxes, which is a very inefficient way to spend dollars. But let's accept the theory this is all acceptable, that we should go out and tax the rich because it is a good political statement and makes a nice TV ad and that will address the problem.

It does not. We still have a debt curve that goes up essentially on the same pathway because this pathway of debt assumes—this debt assumes this tax increase on the wealthy.

What is the other option besides inflating the economy? It is to tax everyone at very dramatic rates. What is the practical effect of that? If we tax all working Americans in order to pay off this debt—and remember what this debt is being used for. It is being used to expand the size of the Government. The President has been very forthright about this. He says: I believe, by dramatically growing the size of the Government—I heard this today on NPR, which I found was very appropriate since they happen to be a Government-funded agency—by dramatically expanding the size of the Government, you can create prosperity.

That is the argument of the President. That is the argument of the NPR's commentator today. I am thinking to myself—explain this to me.

Take the debt of the United States up to 80 percent of GDP, run deficits of \$1 trillion a year for the next 10 years, and we are going to create prosperity? We are not going to create prosperity. We are going to create a momentary blip in the activity of the Government in the private sector—not momentary, a permanent blip. And we are going to significantly increase the size of the Government and maybe we will create some Government jobs, but in the end what we get is a massive expansion in debt, a massive expansion in deficit, and a commensurate expansion either in inflation or in taxes, which have a huge dampening effect on prosperity.

We don't create prosperity by increasing inflation. We don't create

prosperity by creating a nonproductive workplace where capital is being invested, not for the purposes of efficiency but for the purposes of avoiding taxes. Basically, what we are absolutely guaranteeing when we are running up this type of debt is that we are not going to get prosperity. We are going to get a weaker economy, a less prosperous country, and a country that is not as strong.

These numbers that came out yesterday from the Social Security trustees only highlight, in a most devastating way, how significant our problem is. If we fail to take it on, if we fail to address this issue, if we continue on this path of just spending money as if there is no tomorrow, there will be no tomorrow for our children because the burdens will be so high and so extreme from all the costs of Government, and especially from the burdens of these entitlement programs.

What is the answer? To begin with, yes we are in a tough fiscal time right now, and we have to spend money that we do not want to spend in order to try to get things going. But let's acknowledge the fact that this recession is not going to go on forever. Hopefully, there are some lights at the end of the tunnel and some glimmers that things are turning around, and we all hope that is going to occur and it appears it may. The Federal Reserve Chairman thinks it will.

As we move out of this recession, we should not continue to spend as if we are in a recession. Rather, we should draw back on the spending we put into the system. We should start to take some of that spending back. All of the spending programs that came in the stimulus should have been sunsetted so these programs end after the recession is over, 1½ years from now, or maybe 1 year from now.

But that is not the plan. The plan is to build all of this spending into the baseline and have this spending go on for as far as the eye can see, and that is why the President's budget expects to have a \$1 trillion deficit as far as the eye can see, or at least as far as the budget window—10 years.

Then after retrenching on the spending that is being proposed just in the short term, saying: Let's stop this spending when we get out of the recession, let's start curtailing this spending, let's go back to the former spending patterns of the Government—which were not very good to begin with but at least a lot better than what is being proposed now. Let's put someplace some strict fiscal discipline. Let's freeze discretionary spending for 1 or 2 years after we move past this recession—in other words, in the year 2010, 2012, 2013.

Let's also, at the same time, look at these entitlement accounts and see how we can put them on a more sustainable path. That means making some courageous decisions around here. We proposed—myself and Senator CONRAD—a way to accomplish that be-

cause we know the political system does not inherently allow people, members of the Government who have to run for reelection, to make the tough decisions on these programs that affect everyone. We know that.

We know it is very hard for somebody to stand up at a town meeting and say we are going to raise the age of retirement in Social Security; we are going to change the ways we calculate COLAs on Social Security. No, that is not the way these things are discussed around here. That is not possible in a political climate. We accept that.

Why not set up a procedure which drives a good policy, which we can vote on and everybody can sort of hold hands and go at the issue together? That is what Senator CONRAD and I have suggested. It is called the Conrad-Gregg Commission, except in New Hampshire where we call it the Gregg-Conrad Commission.

Actually, what it does is set up a process where a group of people who are very knowledgeable—with a majority, by the way, from the majority party—sit down and figure out the best ways to try to bend this curve a little bit. Hopefully, more than this. See, this is the current baseline, the blue one. Hopefully, we can get it back to the current baseline and get under control the rate of growth of these entitlements so they do become, at least if not immediately affordable, over a long period more affordable.

We do this on a fast track. We do it without amendments. We require an up-or-down vote and require supermajorities so everybody is protected, everybody knows it is fair. It gets to the underlying issue which is how to control the rate of growth of spending.

I recognize I have been sort of a Sisyphus, pushing a rock up a hill in this position, and I have not gotten to the top of the hill yet. But I am not alone on this concern. The chairmen of the Budget Committee in both the House and Senate have both said that these outyear debt patterns of their budgets are unsustainable. Those were not my words.

The Director of OMB, the President's Office of Management and Budget, has said these outyear numbers are unsustainable. The Secretary of Treasury has said these outyear numbers are unsustainable. We cannot have a debt-to-GDP ratio of 85 percent. We can't have deficits of 4 to 5 percent annually. We cannot do it and have a sustainable Government. We end up turning into a banana republic if we continue on this path where we basically self-implode through inflation or excessive taxing.

The international community is starting to comment on this. The head of the Chinese Federal Reserve—a different title but the same position—has raised his concerns about it, as has the premier of China. After all, they are our biggest lender.

If the person who lent you the money for your credit card comes to you and says: I am a little concerned about the

amount of credit you are running up. I am a little concerned about it. You ought to listen to that person because that is the person who is going to lend you the next dollar.

Regrettably, we are in that situation whether we like it or not. This is a real discussion about the real problems we confront as a country, and the trustees report should be listened to. There was one specific suggestion in the trustees report that we in the Congress were supposed to do. The trustees report says when it is projected that the Medicare trust fund will have to be supported with more than 45 percent of the general funds of the Government—in other words, the Medicare trust fund is supposed to be self-insured. It never has been, but it is supposed to be. It is not supposed to be general funds, which is general taxation, to pay for it. So 5 years or so ago we put in that language that said if over 45 percent of the support funds comes from the general fund so it is no longer an insurance event, so people who are paying into their HI insurance are no longer supporting anything more than 55 percent of the cost of the fund—at that point the trustees notify Congress and the President that this is going to occur within the next 7 years, and we are supposed to, by our own statute, receive from the President directions as to how to bring spending or the cost of the trust fund down so that the general fund will not be invaded by more than 45 percent.

President Bush took this to heart. He sent up two proposals to accomplish that, both of which were fairly reasonable. The first one was, the people who take part in the Part D drug program should have to pay a percentage of their premium for that program if they are rich, if they are well off. In other words, people working in a restaurant in Epping, NH, today are fully subsidizing the Part D premium of, for example, Warren Buffett. That makes no sense, does it? So if you have a fair amount of income, you should pay a larger—some percentage at least of your Part D premium. President Bush suggested that.

Another approach, he said, was there are a lot of savings occurring in the health care industry today based mostly on technology advances. We would like to share the rewards of those savings with the people who are getting them. Today, 100 percent of the savings goes to the health care industry. President Bush suggested that we take half of those savings and put them back into the Medicare trust fund. Those are very reasonable proposals, both of those. They were both rejected by the Democratic Congress, a Congress controlled by the Democrats. Both were rejected by the Democratic Congress.

Now it is President Obama's turn to send us some ideas for how we keep the cost to the general fund of the trust fund of Medicare below 45 percent. But what has happened? Total silence. Total silence. Nothing has been sent. No proposal has been sent. No endorsement of any proposal has been sent.

Interestingly enough, and to his credit, President Obama suggests in his budget the same proposal on Part D that President Bush proposed, which was that wealthy people should pay some percentage of the cost of their premium. So one might think they would send that proposal as a free-standing initiative, at least that one, as a way to address some of the costs which are being generated and being borne by the general fund. But we have not heard that.

It is ironic, of course, that President Obama has that proposal in his budget and is not willing to send it. It may be that because Congress, under the Democratic leadership, rejected this idea 2 years ago, that they believe it will be rejected again. But let's at least take a run at it because it is a good idea, and it is very appropriate. It should be done along with some other ideas because we have this responsibility, under our own rules.

There are rules. We set them up. We said if the general fund is going to be invaded by more than 45 percent we have to come up with some way to correct that. So we ought to at least live by that. There are some ideas as to where we should go from here, rather than allowing this debt to become so excessive that, for example, it got so high that we become so irresponsible as a nation in the area of debt that we couldn't even get in the European Union. That is an irony, isn't it?

When this debt gets up over 60 percent of GDP, which it may well, probably in the next 2 years, at that point the United States would no longer qualify for entry into the European Union.

Because those industrialized States said: That level of debt is irresponsible. A government that has that level of debt is so irresponsible that we do not want you in the European Union.

In other words, Latvia or Lithuania could get into the European Union, but the United States could not. Not that we are going to apply. But that is a pretty good place to look for a standard, is it not? They are industrialized nations.

So we need to take some action. We need to listen closely and read closely the trustee's report, because it is telling us we are in deep trouble.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 1:30 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 1:31 p.m. and reassembled when called to order by the Presiding Officer (Mrs. HAGAN.)

#### CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009—Continued

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

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

Mr. HARKIN. Madam President, I fully support the bill offered by the distinguished chairman of the Banking Committee, Senator DODD. It would create a long overdue reform of the credit card industry whose practices have been increasingly predatory and abusive. I have heard from many hundreds of Iowans who have been victimized by credit card companies. These are good people who, in the current economic downturn, have had no choice but to resort to their credit cards in order to put food on the table or to make a car payment or even help pay for college tuition. As a result, they have found themselves on the receiving end of a whole array of unfair and often outright abusive practices; things such as double billing, unwanted fees, and arbitrary interest rate increases. I applaud the Dodd-Shelby legislation for cracking down on some of these abuses. I think the legislation is a good first step.

However, this bill still allows credit card companies to charge excessive and, for millions of Americans, ruinous interest rates. Currently one-third of all credit cardholders in the United States are being forced to pay interest rates above 20 percent, sometimes as high as 41 percent. These interest rates are grossly excessive. It is time to set a reasonable limit on what credit card companies can charge.

In times past, an interest rate of 20 percent, 30 percent, or 40 percent would have been condemned by religious leaders of all faiths as being the sin of usury. People daring to charge these interest rates would have been prosecuted for loan sharking. But today the credit card industry tells us that charging people these grossly excessive interest rates is both fair and necessary. I totally disagree. It is not fair, and it is not necessary. What is more, many Iowans have pointed out to me the very financial institutions that are victimizing and squeezing ordinary hard-working Americans have already received billions of dollars from the taxpayers. Now these institutions are lending money that came from taxpayers to people at interest rates as high as 41 percent. Someone tell me, what is the logic of that? No wonder people are upset all over this country. We take their hard-earned tax dollars, give it to the big institutions. They have a credit card and in hard times they have to use that credit card for some necessities. Now they are being charged 20, 25, 30 percent interest. It is a sweet deal for the financial institution. It is nothing more than an old-fashioned rip-off of consumers.

For these reasons, I have joined with Senators SANDERS, WHITEHOUSE, LEAHY, DURBIN, and LEVIN to offer an

amendment to cap credit card interest rates at 15 percent. Yes, that is exactly what I am saying. No credit card could charge more than 15 percent interest rates. Why did we pick 15 percent as an appropriate top rate? Thanks to a law passed by this Congress 30 years ago—I was here at the time—we put a cap of 15 percent on the maximum interest charges a credit union could charge their customers. That was 30 years ago. We left a safety valve for special circumstances. This rate cap of 15 percent has protected millions of consumers at credit unions. I belong to a credit union right here in the Senate. I have always belonged to a credit union. I belonged to one in the House when I was there, and before that, in the Navy. I belonged to the Navy Federal Credit Union. These credit unions have performed a viable, good service for millions of Americans without harming the safety or soundness of the institutions and without negatively impacting access to credit for credit union members. I have been a member of a credit union all my adult life. I have never once seen them constrict the amount of credit involved to borrowers. If you need a car, you have been able to get consumer loans from credit unions.

I would also point out, not one single credit union—not one—had to line up with the big banks begging for a bailout. Not one credit union. Yet they are capped at 15-percent interest rates. Interesting, isn't it?

Credit unions have remained strong and stable despite the meltdown in much of our financial system.

Chris Coliver, a regulatory analyst for the California Credit Union League, was recently asked about the effect of the interest rate cap on his institutions—the 15-percent cap. He answered:

It hasn't been an issue. Credit unions are still able to thrive.

Of course, there may be some special circumstances under which an interest rate above 15 percent is temporarily necessary. Currently, credit unions are allowed to charge higher interest rates if their regulator—which is the National Credit Union Administration—determines this is necessary to maintain the safety and soundness of the institutions. At the present time, the NCUA, the National Credit Union Administration, allows credit unions to charge interest rates as high as—get this—as high as 18 percent, though most credit unions continue to have a top rate that is actually much lower than that, and some of them lower than 15 percent, some as low as 12 percent, 11 percent. Well, our amendment includes a similar, reasonable exception. It would allow credit card companies to charge interest rates higher than 15 percent in circumstances where Federal regulators determine that higher rates are necessary to protect the safety and soundness of financial institutions.

It seems as if this is *deja vu* all over again for me. I have been advocating

for a 15-percent cap since I was an attorney for the Iowa Consumer League in 1973, fresh out of law school. I was a lawyer for the Iowa Consumer League, and we were trying to get the Iowa Legislature at that time to put a cap of 15 percent on credit cards. So this issue has been around for a long time. As a legal aid lawyer at that time, I saw firsthand the devastation and hardship caused to Iowa families by excessive interest rates charged by credit card companies and others. Again, many of these Iowans turned to their credit cards in a time of crisis—a medical emergency, for example—but because of the prohibitive interest rates, they found themselves falling further and further behind in their payments. Some were forced into bankruptcy.

Well, it is no different today. As I said, I have received many hundreds of letters and e-mails from Iowans who have been victimized by credit card companies' abusive practices. For example, Madam President, let me share an all-too-common story from one of my Iowa constituents, and I will read it verbatim as she wrote it:

I am a single mom with a pretty good job, [for] which I am very thankful. I have 3 credit cards. Recently, I received notices from 2 of them that they were raising my interest rate due to the "economic conditions." I don't mean a little, I mean a LOT.

She capitalized "LOT."

Capital One—

We all know who Capital One is, and their credit cards—

Capital One sent me a notice that they were raising my rate from 13.9 percent to 23.99 percent. I had the option of cancelling my card and paying off the existing balance at my current rate of 13.9 percent, which I did. The other one is Washington Mutual. They were recently purchased by JP Morgan Chase. I received a notice from them a couple of weeks ago that my rate was going from—

Get this—

10.4 percent to 23.99 percent.

Now, you wonder: Here is JPMorgan Chase, operating through Washington Mutual, increasing their interest rate to 23.99 percent. Capital One increasing their interest rate to 23.99 percent. Why weren't they off just 1 percent? Why are they both exactly the same? Well, it looks as if they are all ganging up to charge the same high interest rate.

Anyway, let me continue to read from her letter. The rate was going from 10.4 percent to 23.99 percent.

I have never missed a payment or been late on either one of these. Tonight I called JP Morgan Chase and they told me I missed the deadline to say I wanted to decline the changes in my cardholder agreement. I said I wanted to close my account and pay off the existing balance at the 10.4 percent. They refused! . . . I could see it if I had missed any payments or even paid a day late, but I have NOT. This is just WRONG.

End of her letter.

Imagine that. She actually had the wherewithal to pay it off at 10.4 percent, and JPMorgan said: No. You missed the deadline.

We all get this mail. We all get this junk mail and all that stuff from credit card companies. I just throw them away. Well, maybe there is some notice in there that, oh, if it is not a bill, maybe they have sent you a notice that maybe you have to do something. Who reads all that junk mail? Nine times out of ten, it is some kind of promotion they are promoting: You can get a free airline pass or you can get a cut rate on going to Cancun or something like that. You get all that junk. Then they slip in there another little letter that says: Oh, by the way, if you do not cancel your previous agreement, we are going to do this, this, and this. Good luck in finding that out.

This constituent who wrote me would clearly benefit from the provisions in the Dodd-Shelby bill that would prohibit retroactive rate increases on existing balances in accounts with no late payments. But the larger issue remains: Why should any bank be allowed to charge an interest rate of 24 percent under any circumstances—under any circumstances? Why should banks be allowed to charge other customers interest rates as high as 41 percent—41 percent?

As I said, I support the underlying bill, but the bill will continue to let them charge those kinds of interest rates. The bill does clean up some of the other stuff, and that is why I am supporting it. But this does not get really to the nub of the problem; that is, we are allowing usurious interest rates to be charged for credit cards. We know why they are charging these interest rates. They can get by with it. It is legal. Well, the credit unions can survive and provide credit and issue credit cards to their holders and survive on 15 percent. Are you telling me these big companies cannot? Of course they can. But guess what. They probably would not be able to pay their executives \$50 million a year in salaries and bonuses or—\$50 million; I am being a piker—try \$200 million or \$300 million a year. That is what they are paid. So to keep up this lavish lifestyle for their executives, for their corporate offices, they charge 20, 30, 40 percent.

Well, as I said, take a lesson from the credit unions. Take a lesson. That is what we have to put a limit on. That is why I cannot emphasize enough that unless and until we cap interest rates, we are still going to have these problems because people will get credit cards, they will get into dire straits. This is their only way of paying a bill—to use their credit card—and something else happens, and all of a sudden they are racked up with these high interest rates.

The other thing credit card companies are doing is they are charging these high interest rates in order to be able to give credit cards to just about anyone. People get credit cards sent to them without any kind of credit checks, whether they are really credit-worthy. They get all these kinds of credit cards out there. People who are

like my constituent, who are responsible and who pay their bills on time and who have credit cards which they do pay on time and never get behind, are penalized because credit card companies are so lax and so loose with whom they give these credit cards to. So we all pay for it. Well, the credit card companies ought to be a little bit more circumspect about whom they give their credit cards to. Again, they should take a lesson from the credit unions.

So, Madam President, as I said, I support the underlying bill. But we must seize this opportunity to address the single most widespread and destructive abuse in this industry; that is, grossly excessively high interest rates. That is why I support this amendment. I urge my colleagues to vote for the Sanders-Harkin-Leahy-Whitehouse-Durbin-Levin amendment on this bill.

With that, Madam President, I yield the floor.

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

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

AMENDMENT NO. 1084

Mr. ISAKSON. Mr. President, I ask unanimous consent that amendment No. 1084, the Gillibrand amendment, be made pending.

The PRESIDING OFFICER. That amendment is pending.

AMENDMENT NO. 1104 TO AMENDMENT NO. 1084

Mr. ISAKSON. Mr. President, I call up the second-degree amendment I have at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 1104 to amendment No. 1084.

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

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

The amendment is as follows:

(Purpose: To require the Comptroller General to conduct a study on the relationship between fluency in the English language and financial literacy)

Beginning on page 1, line 2, strike all through page 2, line 9, and insert the following:

SEC. 503. GAO STUDY AND REPORT ON FLUENCY IN THE ENGLISH LANGUAGE AND FINANCIAL LITERACY.

(a) STUDY.—The Comptroller General of the United States shall conduct a study examining—

(1) the relationship between fluency in the English language and financial literacy; and  
(2) the extent, if any, to which individuals whose native language is a language other than English are impeded in their conduct of their financial affairs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall



submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that contains a detailed summary of the findings and conclusions of the study required under subsection (a).

Mr. ISAKSON. Mr. President, briefly, I have high regard for Senator GILLIBRAND and the intent of the amendment. I also understand the practical application of what could happen. I know in my home State of Georgia, in one school system in Gwinnett County, there are 178 different languages spoken. The application of this amendment would cause, for example, in Gwinnett County, 178 different credit reports in 178 different languages to meet the intent of the law.

I respect and understand the difficulty that fluency can make in someone's ability to read and do their financial affairs. However, before we were to require of all the credit reporting agencies that they publish all credit reports and make them available in every language that could be spoken in the United States, we should conduct a study through GAO to ensure that we understand the relationship between fluency and financial affairs on the part of an individual and we understand exactly what the consequences of this amendment would be. This gives us 1 year to study and make a final decision based on facts rather than forcing an automatic imposition of credit reports being published in a variety of different languages, which could be well in excess of 100.

I, respectfully, appreciate the consideration of the Senate.

I yield back the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mrs. LINCOLN pertaining to the introduction of S. 1030 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

Mr. BAYH. Mr. President, as you may have observed in our time together in the Senate, I do not come to the floor of the Senate to speak very often. I try to reserve my comments for matters of particular importance and urgency, matters where I think we can make a real difference and where

the debate will matter. We are debating one such issue today, when it comes to the important need, the critical need to rein in the abusive practices of credit card companies that are harming thousands of middle-class families across my State and millions of middle-class families across America.

Just this last weekend I received more than 500 letters and e-mails from my constituents, middle-class people across Indiana who are outraged because they rightly believe they have been abused by the predatory practices of credit card companies. These are decent hard-working people who ask nothing more than for a fair shake in life and, too often, they are not getting it because of these abusive practices.

I wish to take the opportunity to share with you a couple of these stories. Many of them are heartfelt. I will give an example. This one is from a single mother. She writes me:

Dear Senator BAYH, I am a single mother of a teenage boy, and I work 50 hours per week—

She is not some deadbeat, she is a hard-working, middle American—

at a job I've had for 14 years. My ex-husband quit his job out of the blue a couple of years ago and did not pay any child support for over a year.

Unfortunately, I had to turn to using my credit cards for things like groceries, gas and other bills just to keep up. If you are even 1 or 2 days late in paying your bill, these credit card companies increase your percentage rate to astronomically high amounts. Because I was struggling and a few days—not months, just a few days—late on some of my credit card payments, the percentage rates on my credit cards are now between 28 and 32 percent. I will never pay off these bills with interest rates like this!

So many people out there, including myself, are at the mercy of these unscrupulous credit card companies that can do whatever they please. There needs to be laws regulating how much these companies can charge. Americans are mired in credit cards debt that will never be paid off, no matter how hard they work and no matter how hard they try if the current practices do not change.

My economic situation will be so much better if it were not for my credit card bills. I owe probably \$15,000 now on all of my credit card bills combined, but it will take me a lifetime to pay those off because of the practices to which I have been subjected. Please fight for hard working people everywhere who just want a chance to get out from under their debt and better their financial circumstances.

I also heard from a woman in Carmel, IN, just north of Indianapolis, a few weeks ago. She had an \$8,000 balance on a closed—a closed credit card account. She was not buying anything. She had always paid her bill on time. And out of the blue one day—she had done nothing wrong—her credit card company doubled her minimum payment. She is a woman of modest means and she could not make the higher payment. She called the bank and they would not work with her, even though she had never missed a payment or been late, not once.

Soon the credit company started adding late fees and compounding her interest. Over the course of 2 years, her balance tripled from \$8,000 to \$24,000, without making a single purchase. She had bought nothing. She had done nothing wrong. And she is getting gouged like this. This is the kind of thing that has to stop.

I heard from another constituent from Middlebury, IN, another basic middle-class middle American, who received an offer from her credit card company to consolidate her balance on all of her credit cards at 4 percent.

Well, that sounded like a pretty good rate, so she accepted the offer. She never missed a payment. She had paid off half her debt, when suddenly they raised the monthly minimum payment by 60 percent. So she is paying on time, she is paying down her debt, and her monthly minimum rate goes up by 60 percent without cause or any notice.

She called customer service to complain. They said they would lower her monthly minimum payment if she would agree to have her interest rate doubled. This woman from Middlebury is a mother. She is trying to keep her head above water, and her credit card company is making life more difficult with practices like that.

Those are the kinds of things we have to stop. And those are the kinds of things I hope we will stop yet this week here in the Senate.

Here is what she wrote:

I don't know that our government can do a thing about this, but I just wanted to be heard.

Well, here is the place where her voice can be heard. Here is the place where thousands of middle-class families like hers can come for some relief. Here is the place where over 500 people who wrote about the abuses to which they have been subjected can come for some relief.

This recession has caused millions of middle-class families to resort to using their credit cards a little bit more, not because they wanted to but because they had to try to make ends meet. They are working hard, trying to get out from under this situation, and it does not make life any easier when they are running uphill because of these abusive practices.

You know, bills are sent out so late. They arrive in our mailbox and you have got 24 or 48 hours to pay the thing off or you are subjected to a late fee. That is not right. Then they start charging interest on the late fee. Interest rates can literally, because of the fine print in these bills—you know, back in the day, you applied for a credit card, it was about a one-page thing. Now it is 20 or 30 pages of fine print. And buried in there in the fine print are the provisions where companies can raise your interest rates any amount, anytime, for any reason, or for no reason whatsoever. Those are the kinds of things that need to be stopped.

Then, finally, when you are making your payments, they take the payment

you make, and rather than applying it to the most expensive part of your debt with the highest interest rate, they apply it to the lowest interest rate. Why? Because it is more profitable for them, even though it would be better to do it the other way around for you. Those are the kinds of things we have to correct.

You know me pretty well, Mr. President. I am a free enterprise person. I believe in the right of companies to make a profit, and credit card companies are no exception. But they ought to make it the legitimate, old-fashioned way, not on the backs of consumers through abusive practices. That is what we are talking about here.

This also goes to something else I am concerned about, and that is the deepening skepticism and cynicism about government in general, and about Washington, DC, in particular. They think we are all under the thumb of a bunch of special interests. Everybody sold out and nobody cares about the average person or the middle-class family anymore. This gives us an opportunity to show, to demonstrate that that is not true, to stand up for millions of ordinary people, to do what is right, to say that the free market should be allowed to operate, but you should not scam people, you should not bury fees in fine print, you should not do a bait and switch.

That is not the way you make a decent profit. That is something that ought to be against the rules. That is what this legislation would provide for. For the sake of middle-class families across States such as Indiana and New Mexico and elsewhere across America, for the sake of folks who are working hard trying to get out from under the consequences of this recession, for the sake of trying to restore some faith and trust in our system of self-government, it is important that we pass this credit card bill, to restrain these abusive practices, to stand up for middle-class families, to do right by our citizens, and to let people know that when their voices are heard, we will answer.

That is why I have risen today on this bill. I urge my colleagues to join with us in acting. I hope we will have an opportunity to do that before the week is out.

I thank you for your leadership, as well as my colleagues.

Seeing none of our colleagues present, I suggest the absence of a quorum.

**THE PRESIDING OFFICER (Mr. MERKLEY.)** The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

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

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### GUANTANAMO

Mr. DURBIN. Mr. President, for the last several weeks there has been a hue

and cry from the other side of the aisle, a steady procession of Republican Senators, concerning the President's intention to close the detention facility at Guantanamo Bay. I would like to remind colleagues this is a problem President Obama inherited from the previous administration, and it is worth a few moments to review the history.

After the September 11 terrorist attacks on the United States, the Bush administration decided to set aside treaties that had served us in past conflicts. They sent detainees to the Guantanamo facility and claimed the right to seize anyone, including American citizens in the United States, and to hold them indefinitely without legal rights.

GEN Colin Powell, then the Secretary of State to President George W. Bush, objected. He said the administration's policy:

Will reverse over a century of U.S. policy and practice . . . and undermine the protections of the law of war for our own troops . . . It will undermine public support among critical allies, making military cooperation more difficult to sustain.

GEN Colin Powell, former Chairman of the Joint Chiefs of Staff, then Secretary of State to George W. Bush. Secretary Powell's words were prophetic. Guantanamo became an international embarrassment for the United States and, sadly, tragically, a recruiting tool for terrorists such as al-Qaida. The Supreme Court repeatedly held that the administration's detention policies were illegal. As Justice Sandra Day O'Connor famously wrote for the majority in the Hamdi difficult decision:

A state of war is not a blank check for the President.

Today, nearly 8 years after the 9/11 attacks, none of the terrorists who planned those attacks has been brought to justice.

After he left the Bush administration, Colin Powell spoke out publicly again. He said:

Guantanamo has become a major, major problem . . . in the way the world perceives America. . . . We don't need it and it is causing us far more damage than any good we get for it.

That is not a quote from the ACLU. That came from GEN Colin Powell, former chairman of the Joint Chiefs of Staff and former Secretary of State. A lot of others agree. Four other former Secretaries of State, Republican and Democratic, have weighed in: Henry Kissinger, Madeleine Albright, James Baker, and Warren Christopher have all called for Guantanamo to be closed. As Secretary Baker explained:

We all agreed one of the best things that could happen would be to close Guantanamo, which is a very serious blot on our reputation.

Former Navy general counsel Alberto Mora testified in the Senate Armed Services Committee, saying:

There are serving U.S. flag-rank officers who maintain that the first and second identifiable causes of U.S. combat deaths in

Iraq—as judged by their effectiveness in recruiting insurgent fighters into combat—are respectively the symbols of Abu Ghraib and Guantanamo.

This was not some leftwing columnist. This is the former Navy general counsel, Alberto Mora.

Retired Air Force MAJ Matthew Alexander led the interrogation team that tracked down Abu Mus'ab al-Zarqawi, the leader of al-Qaida in Iraq. He used legal and traditional interrogation tactics which he believes are more effective than torture. Here is what Major Alexander said:

I listened time and time again to foreign fighters, and Sunni Iraqis, state that the number one reason they decided to pick up arms and join Al Qaeda was the abuses at Abu Ghraib and the authorized torture and abuse at Guantanamo Bay. . . . It's no exaggeration to say that at least half of our losses and casualties in that country have come at the hands of foreigners who joined the fray because of our program of detainee abuse.

Let me remind those listening again, the source of this quote is not some liberal-leaning columnist, angry at policies of the United States. It is MAJ Matthew Alexander from the Air Force, a man who dedicated a large part of his life to serving our country and risking his life in its defense.

I visited Guantanamo in 2006. I left with a feeling of pride and admiration for the soldiers and sailors serving there. They are great Americans doing a tough job in a very bleak climate. But they are being asked to carry a heavy burden created by the previous administration's policies, which have turned Guantanamo, sadly, into a recruiting poster for al-Qaida.

By 2006, even former President George W. Bush said he wanted to close Guantanamo Bay. He acknowledged the problem. He didn't do anything to solve it.

As an aside, it is interesting to note that there were no complaints from the Republican side of the aisle when President Bush said he wanted to close Guantanamo. The Republican leader of the Senate did not come down to the floor to object when his President made the suggestion. He started making a regular trip to the floor to object when the suggestion was made by President Obama.

President Obama has shown courage in taking on this difficult challenge. Within 48 hours of his inauguration, President Obama issued executive orders prohibiting torture, stating that Guantanamo will be closed within 1 year and setting up a review process for all detainees who are currently held at Guantanamo.

Here is what President Obama said:

The United States intends to prosecute the ongoing struggle against violence and terrorism and we are going to do so vigilantly, we are going to do so effectively, and we are going to do so in a manner that is consistent with our values and our ideals.

At the signing of the Executive orders, the President was joined by 16 retired admirals and generals. These distinguished Americans issued a statement saying:

President Obama's actions today will restore the moral authority and strengthen the national security of the United States. . . . President Obama has rejected the false choice between national security and our ideals. Our Nation will be stronger and safer for it.

In response to the Executive orders, Republican Senators JOHN MCCAIN and LINDSEY GRAHAM said:

We support President Obama's decision to close the prison at Guantanamo, reaffirm America's adherence to the Geneva Conventions, and begin a process that will, we hope, lead to the resolution of all cases of Guantanamo detainees.

Keep in mind, I have just read a quote from Senator JOHN MCCAIN, a man who, of course, was President Obama's opponent in the last election, but a man who had a personal life experience of over 5 years of captivity during the Vietnam war, and a colleague of mine who has shown extraordinary courage and political courage and leadership in leading the effort to say, once and for all, that we were going to prohibit torture as part of America's policy.

It was Senator MCCAIN, along with his colleague Senator GRAHAM, who said these supportive things after President Obama's announcement. It was a strong bipartisan statement, a strong day for our country.

But now things have changed, and I do not know why. The Republicans are on the attack. They claim that the President does not have a plan to close Guantanamo, and yet at the same time they are arguing that the President does have a plan, which is to release terrorists into the United States. Imagine that. These claims are not only contradictory, they are preposterous.

The truth is, the President is taking the time to carefully plan for the closure of Guantanamo, and he is going to do it in a way that is consistent with America's security.

Here is how the Director of National Intelligence Dennis Blair explained it:

[Guantanamo] is a rallying cry for terrorist recruitment and harmful to our national security, so closing it is important for our national security. The guiding principles for closing the center should be protecting our national security, respecting the Geneva Conventions and the rule of law, and respecting the existing institutions of justice in this country. Closing this center and satisfying these principles will take time, and is the work of many departments and agencies.

In recent weeks, Republicans have regularly come to the floor of the Senate and the House to make dozens of statements criticizing President Obama on Guantanamo. The distinguished minority leader, Senator MCCONNELL of Kentucky, alone, has spoken on this issue on 9 separate occasions over the last 11 days the Senate has been in session. It is interesting that the Republicans are spending so much time focused on the fate of Guantanamo while President Obama and others in Congress are focused on getting our economy back on track after 8 years of failed economic policies.

What is the explanation? According to a recent story in Politico:

Congressional Republicans have stoked parochial fears of releasing Guantanamo detainees to the U.S. mainland, and GOP aides privately acknowledge that this issue is one of the few on which they believe they have a real edge on the Obama administration.

Somehow arguing on the floor of the Senate that President Barack Obama cannot wait to close Guantanamo and turn terrorists loose in the United States—incredible.

The Hill newspaper reported:

As polls show most Americans approve of the job Obama is doing on issues like the economy, the wars in Iraq and Afghanistan and others, Republicans are desperate to find an issue on which they can come out ahead.

In other words, the Republicans are trying to turn Guantanamo into a political issue. Richard Clarke was President George W. Bush's first counterterrorism chief. Listen to what he said last week:

Recent Republican attacks on Guantanamo are more desperate attempts from a demoralized party to politicize national security and the safety of the American people.

Let's examine two of the specific claims from the other side of the aisle. They argue that transferring Guantanamo detainees to U.S. prisons will put Americans at risk.

Well, earlier today my colleague SHELDON WHITEHOUSE—I serve on the Judiciary Committee with him—had a very interesting hearing, which I am sure will be noted by many people when they follow the news, where he talked about the detention and interrogation policies and brought some critical witnesses to testify who had dissented from President Bush's policies during the course of his administration.

During his hearing in the Judiciary Committee today, one of the witnesses was Phillip Zelikow. Phillip Zelikow was the Executive Director of the 9/11 Commission, which has received high marks from virtually everyone for the professional job they did under the leadership of Governor Kean of New Jersey and former Congressman Hamilton of Indiana. Mr. Zelikow also served as counselor to Secretary of State Condoleezza Rice. He comes to this issue with ample experience.

Mr. Zelikow was intimately involved with these issues during the Bush administration, and he strongly supports closing Guantanamo. He told me in the hearing it will be safe to transfer Guantanamo detainees to U.S. prisons and facilities, and some of the most dangerous terrorists are already incarcerated in the United States.

Here are a few examples: Ramzi Yousef, the mastermind of the 1993 World Trade Center bombings—he is being safely and securely held in an American detention facility; 9/11 conspirator Zacarias Moussaoui; Richard Reid, the so-called shoe bomber; and numerous al-Qaida terrorists responsible for bombing United States Embassies in Kenya and Tanzania.

If we can safely hold these individuals, I believe we can safely hold any Guantanamo detainees who need to be held. I should note no prisoner has ever escaped from a Federal supermaximum security facility in the United States.

Republicans also claim the administration wants to release terrorists into our communities. What an incredible charge, and patently false. President Obama has made clear that Guantanamo will be closed in a manner consistent with our national security.

Even the Bush administration acknowledged that there are people being held at Guantanamo who were wrongly detained and who are not terrorists. Let me give you one example.

There is an attorney in Chicago who is a friend of mine who volunteered to represent one of the detainees at Guantanamo. At his own expense, he flies down to Guantanamo and meets with this man periodically. He tells me that the man is now 26 years old. He is originally from Gaza. He has been held now for 7 years—7 years—because at the time we were offering rewards to people in various parts of the world who would turn in suspects. So the money was offered. This man was turned in, eventually sent to Guantanamo.

The attorney tells me he was sent to Guantanamo at the age of 19. He is now 26. Fifteen months ago, our Government sent a message to this attorney saying: We have reviewed this case in detail—after 6 years—reviewed this case in detail. We have no charges against this man being held in detention.

This man is being held in Guantanamo, which is a very bleak setting if you have been there, and he has now been held an additional 15 months with no pending charges. Our Government did not believe he is a dangerous individual. What they were trying to do is to find a place where he can go and, for 15 months, he has been sitting in detention in Guantanamo.

Is that consistent with justice in America? Is that the kind of image we want? Of course we want to be safe. But the rule of law suggests that if the man has done nothing wrong, he should not be punished for it and continue to be in this secure setting in Guantanamo, separated from his family now for 7 years, with no charges brought against him.

Even the Bush administration, which started this Guantanamo detention, realized after some time that literally hundreds of people who were detained there were not in any way, shape, or form a threat to the United States and they were released—many of them back to their home countries.

Back in 2002, Defense Secretary Donald Rumsfeld described the detainees at Guantanamo as “the hardest of the hard core” and “among the most dangerous, best trained, vicious killers on the face of the Earth.” Those are the words of Secretary Rumsfeld. However, since that statement by Secretary

Rumsfeld, two out of three of the detainees in Guantanamo have been released. They have also cleared dozens of additional detainees for release but cannot return them to their home countries, much like the one I described, because of the risk they may be tortured if they return.

We need our allies to accept some of these detainees, but they have made it clear they will not do so unless the United States admits a small number of detainees who do not present any threat to our country.

As Senator SESSIONS, the ranking Republican on the Judiciary Committee, has pointed out, it is illegal under U.S. law to resettle terrorists in the United States—one of the charges being made on the Republican side of the aisle. Unlike the previous administration, President Obama does not believe that he can set aside any laws enacted by Congress. No one can be admitted to this country to live freely until they have been through a thorough background and security check and cleared of wrongdoing.

President Obama inherited the Guantanamo mess from the previous administration. Solving this problem is not easy. There will be difficult choices, and it will take time. But the President has shown he is willing to step up and lead and make hard decisions that are in the best interests of the security of the United States.

I applaud the President for engaging in a careful and deliberative process to close Guantanamo. As Colin Powell, James Baker, JOHN MCCAIN, and many military officials have said, closing Guantanamo will make us a safer nation.

I urge my Republican colleagues to take another look at this issue and understand that this important national security issue is best solved in a bipartisan way, and that we should continue the work of closing Guantanamo, suggested by President George W. Bush, by doing it in a fashion that is consistent with America's values.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the Isakson second-degree amendment No. 1104 be agreed to and the Gillibrand amendment No. 1084, as amended, be agreed to and the motion to reconsider be laid on the table; that the Senate then resume consideration of the Sanders amendment No. 1062 and there be 4 minutes of debate prior to a vote in relation to the amendment; that an allocation Budget Act point of order be considered made against the Sanders amendment and that Senator SANDERS be recognized to

waive the relevant point of order, with the Senate then voting to waive the point of order; that upon disposition of the Sanders amendment, the Senate resume the Gregg amendment and there be 2 minutes of debate prior to a vote in relation to the amendment; that upon disposition of the Gregg amendment, there be 2 minutes of debate prior to the vote in relation to the Vitter amendment No. 1066—I am wondering if there is any, if Senator VITTER requests any time to speak on this; we will make sure Senator VITTER has 5 minutes if he wants to speak on the amendment—that no intervening amendments be in order during the pendency of this agreement; and that all time be equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENTS NOS. 1104 AND 1084

The PRESIDING OFFICER. Under the previous order, amendment No. 1104 is agreed to.

Amendment No. 1084, as amended, is agreed to.

The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business for up to 3 minutes.

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

SUPREME COURT NOMINEE

Mr. BURRIS. Mr. President, as I address this Chamber today, politicians and pundits across the country are bracing for the spirited tug-of-war which precedes the confirmation of any new Supreme Court Justice. A list of names has appeared, seemingly out of thin air, and the media is already beginning its speculative debate on who this person will be.

Many seem eager to attack or defend potential nominees based on ideological grounds or even specific issues. I see little value in this overblown rhetoric and idle speculation. We must be careful in our approach to such an important task. I call upon the White House to give us a nominee who will provide diversity to the Court and ensure that each ruling is informed by real-life experience as well as sound legal reasoning. The greatest jurors in our history have been drawn from the Federal bench, private life, academia, and even elected office. It is these exceptional, independent leaders to whom our President must now turn.

Some will warn that any Obama nominee will be prone to political bias and judicial activism. We must be wary as we evaluate such claims. Certainly, it is right to oppose any jurist who would attempt to legislate from the bench. The Supreme Court must be bound by law and the weight of precedent. Justices must respect our Constitution and remain unbiased on all matters.

But too often, we mistake insensitivity for impartiality. We cannot afford to choose a clear record at the ex-

pense of clear judgment. Decisions such as *Brown v. the Board of Education* display compassion, not activism. *Roe v. Wade* stood on principle, not on ideology. Some call it activism; I call it courage. Our judicial history is full of these independent decisions, and we should demand such strength and integrity from every jurist we place on the bench. After all, without any kind of courage, the Supreme Court itself would hardly exist as we know it. *Marbury v. Madison* was a landmark ruling that forever altered the role of the Court. It established judicial review and laid the groundwork for almost every decision in the last two centuries.

We must oppose jurists who would overreach, but we would be well served to find a candidate with the integrity to draw on his or her God-given sense of empathy and personal life experiences.

Above all, we must ensure that he or she will bring diversity to the Supreme Court. I encourage the President to give serious consideration to naming a woman of color to the High Court. Diversity of race and gender, diversity of background, diversity of thought, and diversity of judicial philosophy—all of these qualities would bring new views and experience to the Supreme Court and would encourage healthy debate among its members, bringing new perspective to each ruling.

Any experienced attorney—and there are many of us in this Chamber—knows that finding legal truth is not easy. Few issues are black and white. Judges must sift through shades of gray to make informed decisions. Legal truth arises from this dialog, from the collision of different perspectives and opinions. In shaping the Supreme Court, we seek to build debate, not consensus.

Justice David Souter, throughout his 18-year tenure on the Supreme Court, has consistently given a thoughtful voice to the principles of fairness, equality, and the importance of precedent. He has always been a consistent advocate for “a philosophy of all philosophies” which values fresh ideas, unique perspectives, and inclusive debate. As this brilliant jurist moves into retirement, we must embrace his independent legacy by confirming someone who will bring diversity, empathy, and a powerful intellect to the bench. In short, we must ensure that he or she is worthy to be placed among the highest legal minds in the United States of America.

As a former attorney general of Illinois, I can speak to the awesome impact the Supreme Court has on ordinary citizens. It is a testament to the enduring strength of our democracy that nine individuals, appointed and confirmed by representatives of the people, stand squarely at the crossroads of justice. They are entrusted to navigate difficult legal ground in order to distinguish right from wrong and to guard the sanctity of the Constitution. When any five of these individuals

come together to hand out a ruling, it becomes the law of the land. There is no implicit threat of violence to back up these decisions—merely the quiet force of a written opinion. That is the wonder of this thing called a democracy and the power of this Court.

This is a rare and remarkable opportunity for this body to have a voice in shaping the highest court in the Nation—a court whose actions will continue to reverberate across the legal landscape for future generations of Americans. With the full weight of this serious task resting on our shoulders, I ask my fellow Senators to ignore the media's idle speculation. Now is the time to exercise our constitutional powers of advise and consent. The urgent needs of the American people demand that we think outside of the box. We must confirm an individual whose unique perspective can bring fresh diversity into the decisions of the U.S. Supreme Court. I urge my colleagues to join with me in communicating to President Obama that we will settle for nothing less.

Thank you, Mr. President. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I wish to propound a unanimous consent request. I will try to explain it in layman's terms.

I ask unanimous consent that the Sanders amendment move from first place to second place and that the amendment offered by Senator VITTER, from Louisiana, be offered first, under the same conditions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### AMENDMENT NO. 1066

There is now 2 minutes of debate prior to the vote in relation to the Vitter amendment. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, my amendment is very simple. It simply empowers the FDIC to come up with appropriate regulations to ensure that credit cards are only issued to folks who are in the country legally, to ensure that we don't empower and facilitate illegal aliens and terrorists and keep them from getting credit cards, which can then be used improperly. The 9/11 terrorists all did this successfully and all used credit cards in planning and plotting and hatching their scheme. It is also a boon to business for many banks that go after the illegal alien market with credit cards. That is unacceptable, and my amendment would stop that.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, if my colleague wants to proceed a little longer, this is a very important amendment. If he wants to spend another minute or so talking about it, that is fine because I will need probably more than a minute to respond. Would he like additional time?

Mr. VITTER. Not at this time.

Mr. DODD. Mr. President, I rise in opposition to the amendment. I will explain why. The basic identity verification recordkeeping requirement in this amendment is already included in section 326 of the USA PATRIOT Act. It is redundant and not necessary on this amendment.

This bill is designed specifically to deal with credit card reform. A matter such as this obviously belongs in a more appropriate place. Also, the amendment would require card issuers to verify an applicant's identity by obtaining a Social Security card, photo ID, driver's license, and a card issued by a State in compliance with the REAL ID Act.

There are legitimate issues about terrorism and illegal immigrants in the country, but it seems to me when you already have provisions in the law that are specifically designed to protect the issues being raised by my friend—to add redundancy to a credit card bill, when we are trying to make sure people can have credit, and make sure it is provided in a way that is not abusive, with interest rate hikes, penalties, fees, and the like.

I say, with respect, to my friend that, presently, applications for credit cards are currently taken by mail, by telephone, and on the Internet. This would force all applicants to physically go to the bank and present the required documents, which would cause a huge inconvenience to customers. I don't think that is in our best interest at this time. We are not trying to make it more difficult for people to have access to credit cards. We want adequate information so decisions can be made about their ability to repay, but we don't want to burden them with unfair fines, penalties, fees, and high interest rates. This idea runs contrary to what we are trying to achieve with this bill.

I say, respectfully, that I oppose this amendment and ask my colleagues to do so as well.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. I have a few points, Mr. President. This amendment will absolutely not require every applicant for a credit card to physically go to the bank. That is absolutely, categorically not true.

Secondly, present law doesn't solve this problem. It is universally recognized that illegal aliens, including terrorists, in this country, can get a credit card. Present law isn't solving that problem.

I will submit for the RECORD this article from the Wall Street Journal which talks about this. I ask unanimous consent that it be printed in the RECORD.

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

[From the Wall Street Journal, Feb. 13, 2007]

#### BANK OF AMERICA CASTS WIDER NET FOR HISPANICS

(By Miriam Jordan and Valerie Bauerlein)

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

In recent years, banks across the country have begun offering checking accounts and, in some cases, mortgages to the nation's fast-growing ranks of undocumented immigrants, most of whom are Hispanic. But these immigrants generally haven't been able to get major credit cards, making it hard for them to develop a credit history and expand their purchasing power.

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

The Charlotte, N.C., banking giant tested the program last year at five branches in Los Angeles, and last week expanded it to 51 branches in Los Angeles County, home to the largest concentration of illegal immigrants in the U.S. The bank hopes to roll out the program nationally later this year.

"We are willing to grant credit to someone with little or no credit history," says Lance Weaver, Bank of America's head of international card services, whose team designed the program based in part on the bank's experience in markets like Spain, which lack conventional credit bureaus to rate a client's credit-worthiness.

The credit cards involved aren't cheap. They come with a high interest rate and an upfront fee. And the idea of catering to illegal immigrants is controversial.

Bank of America defends the program, saying it complies with U.S. banking and antiterrorism laws. Company executives say that the initiative isn't about politics, but rather about meeting the needs of an untapped group of potential customers.

"These people are coming here for quality of life, and they deserve somebody to give them a chance to achieve that quality of life," says Brian Tuite, the bank's director of Latin America card operations and one of the architects of the program.

Critics say Bank of America is knowingly making a product available to people who are violating U.S. immigration law. "They are clearly crossing the line; they are actually aiding and abetting people who broke the law," says Ira Mehlman, a spokesman for the Federation for American Immigration Reform, a group that advocates a crackdown on illegal immigration.

Typical of the new card's customers is Antonio Sanchez, a Mexican immigrant whose only major asset is a white 1996 Ford Thunderbird, which he drives to the two restaurants where he works each day on opposite sides of Los Angeles. Mr. Sanchez, who says he sneaked across the border a decade ago, has been a customer of Bank of America's East Hollywood branch for nine years. He has no borrowing history and no Social Security number.

#### PAYING BALANCES

To obtain a Bank of America Visa card with a \$500 line of credit, Mr. Sanchez had to put down \$99. If he stays within his \$500 limit and pays his balances in a timely fashion, he

will receive his \$99 security payment back in three to six months, and his credit limit might be increased.

\* \* \*

David Robertson, publisher of the report, says a rate of 21.24% is "unquestionably high." "If that's the rate you're offered, it's a pretty safe bet you're in a high-risk group," he said.

To assess an applicant, the bank employs "judgmental lending," a concept pioneered by MBNA Corp., the credit-card company that Bank of America acquired in January 2006. In essence, the bank bases its evaluation of a potential client's credit-worthiness on a subjective review by its employees, rather than on standardized financial data crunched by a computer.

Unorthodox initiatives like the new credit-card program may be crucial to Bank of America's long-term success. In the past the bank, which operates in 31 states and the District of Columbia, grew mostly by buying up other banks. Now, however, it is bumping up against a regulatory cap that bars any U.S. bank from an acquisition that would give it more than 10% of the nation's total bank deposits. That means Bank of America's only way to grow domestically is to sell more products to existing customers and to attract new ones.

#### OPENING ACCOUNTS

Bank of America, the second-largest U.S. bank after Citigroup Inc. in terms of market capitalization, estimates that there are 28 million Hispanics in its operating area and that most of them, regardless of their immigration status, don't have a bank. It hopes the allure of a credit card will persuade hundreds of thousands more Latinos to open accounts.

"If we don't disproportionately grow in the Hispanic [market] . . . we aren't going to grow" as a bank, says Liam McGee, Bank of America's consumer and small-business banking chief.

Illegal immigrants have typically relied on loan sharks and neighborhood finance shops for credit. But that has begun to change. A few years ago, a handful of community banks in the U.S. began offering mortgages to illegal immigrants, as long as they could prove they had stable employment and paid U.S. taxes with an individual tax identification number, or ITIN.

In December 2005, Wells Fargo & Co. began extending mortgages to consumers with an ITIN. The bank is currently evaluating a pilot program in Los Angeles and Orange counties before deciding whether to expand it.

Department of Homeland Security spokesman Russ Knocke said banking products aimed at illegal immigrants "reinforce the need for a temporary worker program" that the Bush administration has been promoting. That program would screen, tax and otherwise regulate immigrant workers and, the administration contends, would squeeze out illegal workers who now use forged or stolen documents to get jobs, driver's licenses and occasionally credit.

Anti-money-laundering regulations passed in the wake of the Sept. 11, 2001, terror attacks put more pressure on banks to verify customers' identity and watch for suspicious transactions, but they don't require banks to ascertain whether account holders are in the U.S. legally. Most banks require a Social Security number or ITIN to open an account, but regulations also allow them to accept other government-issued forms of identification in some instances, including passport numbers, alien identification numbers or any government-issued document with photo showing nationality or place of residence.

A handful of retailers, such as Los Angeles's closely held La Curacao depart-

ment store chain, have boosted their business by cultivating illegal immigrants with store credit cards. "Once you capture them, they become very loyal," says Ron Azarkman, chief executive of La Curacao, which has developed its own in-house credit-ratings system. "This is a promising market, as long as it is carefully managed," he says, adding that the average APR charged by his company is 22.9%.

#### WORD OF MOUTH

Bank of America hasn't launched an ad campaign for the new card. For the time being, it is counting on word of mouth that starts with its employees at each banking center. Many of the Spanish-speaking account holders who come to teller Luz Quintanilla's window at Bank of America's East Hollywood branch, already have a Social Security number and regular credit card with the bank. But she suggests in Spanish that "maybe you have family or friends who don't have a Social Security number, but wish to build their credit."

In selling the card, a major challenge is to persuade immigrants who are sometimes wary of plastic that holding a credit card is an important step on the way to obtaining loans for big-ticket items, such as a car or even a home. Pictures of a check book, credit card, car and house in ascending order illustrate this concept one pamphlet in Spanish and English titled "How to Build Your Credit, Step by Step."

Mr. VITTER. Mr. President, if this bill is about ending the problems the credit card companies create, or take advantage of, certainly their going after illegal aliens as a niche market and a profit center is an offensive problem we need to address, particularly in a post-9/11 world.

Fourth, I ask unanimous consent to have printed in the RECORD this letter from the Eagle Forum declaring that this will be a scored vote.

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

MAY 12, 2009.

DEAR SENATOR: On behalf of the thousands of Eagle Forum members nationwide, I urge your strong support of Senator David Vitter's amendment to H.R. 627, the Credit Cardholder's Bill of Rights.

Sen. Vitter's amendment would grant rule-making authority to the Federal Reserve to set forth a minimum standard for credit card issuers to establish a consumer's identity in order to prevent and deter illegal immigrants and terrorists from obtaining credit cards.

The regulations would simply require financial institutions to do the following:

Verify the identity of any person seeking a credit card account through one of four acceptable forms of identification, including a social security card, a driver's license issued by a state in compliance with the Real ID Act, a passport, or a photo ID card issued by the Dept. of Homeland Security.

Maintain records of the information used to verify the customer's identity.

Consult lists of known or suspected terrorists or terrorist organizations provided by the appropriate government agency.

Current loopholes in federal law are often abused by financial institutions. In February 2007, the Wall Street Journal reported that Bank of America Corp. in an effort to expand their Hispanic consumer base, had quietly begun offering credit cards to customers without Social Security numbers, typically, illegal aliens. In order to get around the verification requirements, Bank of America

rewarded the unidentifiable consumer with a credit card as long as they had held a checking account with any bank for three months without an overdraft violation. This program quickly spread as common practice to 51 Bank of America branches throughout the Los Angeles, CA area.

Not only will this amendment help to close dangerous loopholes, but by requiring the use of the four most secure types of personal identification, all Americans will be protected, as these types of ID are harder to forge or duplicate. This simple requirement will ensure that all future credit card accounts are opened solely by legal residents in the United States, and it will help curb the tide of taxpayer-draining illegal immigration by removing the magnet of easily obtainable credit.

Congressional leaders simply cannot allow banks to continue the very practices that so greatly contributed to the U.S. credit markets' current state. With the shrinking availability of credit today, the very least congressional leaders can do is ensure that American citizens are being placed before illegals, criminals, and terrorists.

I ask that you join us in supporting Sen. Vitter's amendment by voting yes when it is brought to a vote, and by opposing any efforts to kill it. Eagle Forum will score this vote, which will be included on our scorecard for the 1st session of the 111th Congress.

Faithfully,

PHYLLIS SCHLAFLY,  
*President & Founder.*

Mr. DODD. Mr. President, I ask unanimous consent for 15 more seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. Mr. President, it is not my opinion that this would require people to show up physically. This is the opinion of the Treasury Department. We asked them to comment on this, and they told us that. The elderly, the handicapped, and those in rural areas are going to be adversely affected if this were to be adopted. It is duplicative, redundant, and unnecessary. It adds tremendous burdens on certain segments of this country. Credit cards are valuable instruments during difficult economic times.

Mr. VITTER. Will the Senator yield?

Mr. DODD. I am happy to.

Mr. VITTER. The amendment is only 2½ pages long. What language requires an applicant to physically show up before a bank or a credit card issuer?

Mr. DODD. It is not the length of the amendment. Sometimes one or two words can have huge implications. We asked Treasury how they would interpret this, and they claim this would require the physical presence of an applicant. That is one of their concerns.

As long as that is a concern and it raises that possibility, adopting this, which could result in that, it seems to me would be an irresponsible action for this body to take.

Mr. VITTER. Mr. President, this amendment is 2½ pages long, and there is no language in it that requires their physical presence. I know this administration is opposed to the amendment, but this is simply a smokescreen. I invite Members to actually read the amendment.

I yield back my time.



Mr. DODD. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the Vitter amendment.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

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

The result was announced—yeas 28, nays 65, as follows:

[Rollcall Vote No. 190 Leg.]

#### YEAS—28

Barrasso	DeMint	Risch
Bond	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Inhofe	Thune
Chambliss	Isakson	Vitter
Coburn	Johanns	Voinovich
Cochran	Kyl	Wicker
Cornyn	McCain	
Crapo	McConnell	

#### NAYS—65

Akaka	Ensign	Menendez
Alexander	Feingold	Merkley
Baucus	Feinstein	Murkowski
Bayh	Gillibrand	Murray
Begich	Gregg	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bennett	Harkin	Pryor
Bingaman	Hatch	Reed
Boxer	Inouye	Reid
Brown	Johnson	Sanders
Burris	Kaufman	Schumer
Byrd	Kerry	Shaheen
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Corker	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	Martinez	Wyden
Durbin	McCaskill	

#### NOT VOTING—6

Hutchison	Leahy	Rockefeller
Kennedy	Mikulski	Whitehouse

The amendment (No. 1066) was rejected.

Mr. DODD. Mr. President, I move to reconsider that vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 1062

The PRESIDING OFFICER. Under the previous order, a 302(f) point of order is considered made against Sanders amendment No. 1062.

There are 4 minutes equally divided prior to a vote in relation thereto.

The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I ask unanimous consent to modify amend-

ment No. 1062 and send to the desk the modification.

The PRESIDING OFFICER. Is there objection?

Mr. SHELBY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SANDERS. This amendment is being cosponsored by Senators HARKIN, DURBIN, LEVIN, LEAHY, and Senator WHITEHOUSE. It is not being supported by the American Bankers Association and the other financial institutions that have spent \$5 billion in the last 10 years to push their interests against the needs of the American people.

This amendment is, in fact, very simple. It says now is the time to end usury in the United States of America. Now is the time to protect the American people against 25, 30 percent or more interest rates on their credit cards.

It says now, when the American taxpayer is spending hundreds of billions of dollars bailing out Wall Street, they should not be lending the American people their own money at usurious rates.

When banks are charging 30 percent interest rates, they are not making credit available; they are engaged in loansharking. That is what they are engaged in, and we should be very clear about that. Now is the time to eliminate that behavior.

We picked a number, a maximum of 15 percent plus 3 percent, under extraordinary circumstances, not because it came out of the top of my head but because credit unions in this country have been operating under that law for 30 years. And you know what. It has worked well.

It was not the credit unions coming in here for billions of dollars in bailouts; they are doing very well. This law has worked for credit unions; it should work for large financial institutions. Let's stand up for the American people. Let's put a cap on interest rates, 15 percent plus 3.

I ask my colleagues to support this amendment, once again supported by Senators HARKIN, DURBIN, LEVIN, LEAHY, and WHITEHOUSE.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I raise a point of order it violates the Budget Act.

Mr. SANDERS. I move to waive that.

The PRESIDING OFFICER. The point of order has been considered made.

There are 2 minutes under control of the opposition.

Mr. SHELBY. I yield back the remaining time.

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

The PRESIDING OFFICER. The yeas and nays have been requested on the motion to waive. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from Ohio (Mr. VOINOVICH).

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

The yeas and nays resulted—yeas 33, nays 60, as follows:

[Rollcall Vote No. 191 Leg.]

#### YEAS—33

Begich	Feingold	McCaskill
Bennet	Feinstein	Menendez
Boxer	Gillibrand	Merkley
Brown	Grassley	Reed
Burris	Harkin	Reid
Cardin	Inouye	Sanders
Casey	Kerry	Schumer
Conrad	Klobuchar	Udall (CO)
Dodd	Kohl	Udall (NM)
Dorgan	Lautenberg	Webb
Durbin	Levin	Wyden

#### NAYS—60

Akaka	Crapo	McCain
Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Graham	Nelson (NE)
Bennett	Gregg	Nelson (FL)
Bingaman	Hagan	Pryor
Bond	Hatch	Risch
Brownback	Hutchison	Roberts
Bunning	Inhofe	Sessions
Burr	Isakson	Shaheen
Byrd	Johanns	Shelby
Cantwell	Johnson	Snowe
Carper	Kaufman	Specter
Chambliss	Kyl	Stabenow
Coburn	Landrieu	Tester
Cochran	Lieberman	Thune
Collins	Lincoln	Vitter
Corker	Lugar	Warner
Cornyn	Martinez	Wicker

#### NOT VOTING—6

Kennedy	Mikulski	Voinovich
Leahy	Rockefeller	Whitehouse

The PRESIDING OFFICER. On this vote, the yeas are 33, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Connecticut.

Mr. DODD. Mr. President, what is the business before the Senate?

#### AMENDMENT NO. 1085

The PRESIDING OFFICER. There is 2 minutes equally divided prior to a vote in relation to the Gregg amendment No. 1085.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, this amendment is appropriate to this bill because, after all, we are talking about credit in this bill, and the credit of the United States is obviously a severe issue for all of us, and we need to address it.

This amendment simply gives the American people a better opportunity to learn what is happening to their Government and how much debt is being run up on them and their children. It is an issue of transparency and

openness in our Government. The debt is the threat, and it is one of those occasional, brilliant ideas that come along every so often, so everybody should vote for it.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut.

Mr. DODD. Mr. President, there are very few Members for whom I have more affection or respect than JUDD GREGG of New Hampshire. But I think this amendment, first of all, has no place on this bill. It is unnecessary and raises some very serious, legitimate issues. Let me point them out.

First of all, it is going to be costly to do this: every agency to report what the national debt is. The number is absolutely worthless by the time you publish it because the national debt rises, of course, every nanosecond. So to have that idea what it is also gives you a false illusion of actually where we are.

The level of public cynicism about this issue is getting almost insurmountable. It seems to me we need to be far more realistic. There are other costs, as well, in addition to the debt that people care about. Why not have a tuition cost clock? Why not have a health care cost clock? These matters go up all the time as well. It seems to me that by adding something such as this, we are just adding to that illusion, adding to that cynicism at a time when there are plenty of places where you can get this information—certainly the Congressional Budget Office as well.

So while this amendment has been adopted in the past because it seems relatively harmless, the fact is, I think it is an idea that can actually raise costs and create false illusions. Certainly consumers ought to have some idea about some of these other costs, which I would object to. If you had a health care cost clock, a tuition cost clock, an energy cost clock, it could contribute to those problems. So I urge that the amendment be defeated.

Mr. SANDERS. Mr. President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

Mr. GREGG. Mr. President, I move to waive section 302(f) of the Congressional Budget Act of 1974 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 59, nays 35, as follows:

[Rollcall Vote No. 192 Leg.]

#### YEAS—59

Alexander	Dorgan	Martinez
Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennet	Feingold	McConnell
Bennett	Feinstein	Murkowski
Bond	Gillibrand	Nelson (NE)
Boxer	Graham	Pryor
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hagan	Sessions
Cardin	Hatch	Shaheen
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Specter
Collins	Johanns	Thune
Conrad	Klobuchar	Udall (CO)
Corker	Kohl	Vitter
Cornyn	Kyl	Voinovich
Crapo	Lincoln	Wicker
DeMint	Lugar	

#### NAYS—35

Akaka	Harkin	Nelson (FL)
Baucus	Inouye	Reed
Begich	Johnson	Reid
Bingaman	Kaufman	Sanders
Brown	Kerry	Schumer
Burr	Landrieu	Stabenow
Byrd	Lautenberg	Tester
Cantwell	Levin	Udall (NM)
Carper	Lieberman	Warner
Casey	Menendez	Webb
Dodd	Merkley	Wyden
Durbin	Murray	

#### NOT VOTING—5

Kennedy	Mikulski	Whitehouse
Leahy	Rockefeller	

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 35. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me make a couple of comments, if I can, regarding previous debates.

Our colleague from Vermont offered an amendment to deal with caps on interest rates and that failed on a point of order. I know there are others who have various ideas about this issue. It is a legitimate issue, and I want my colleagues to know this. It is a complicated issue, because dealing with credit cards, dealing with payday lenders, dealing with all sorts of different entities, the matter of what is an excessive interest rate is one that many Americans care deeply about and one where they wish to see some restraint.

It is legitimate to point out that there are interest rates being imposed today that you would have gone to jail for imposing not many years ago. In fact, it would make a loan shark blush, some of these interest rates that are being charged. So what I intend to do at some point, because I realize when you look at the votes, there were only about 30 votes dealing with the point of order dealing with the motion of the Senator from Vermont. But I think a lot of my colleagues do not feel his desire was illegitimate; they were con-

cerned about whether the rate was too low or how it would apply.

So I am going to propose—I hope along with my friend and colleague from Alabama—to ask either the Federal Reserve, or whatever else is the appropriate place, to come back and give us a comprehensive review of what national rates there ought to be.

This idea that you can end up charging in effect 200, 300, or 400 percent interest rates, which is what has happened in some cases, is offensive, to put it mildly. It ought to be wrong and illegal, and people ought not to be able to get away with it.

I think it is difficult for my colleagues to determine what is that level and what institutions, and under what financial circumstances, do you apply it to. I realize a payday lender lends money for a week or two, not annually. So the interest rate will be different than on a credit card, on a home mortgage, or what it is apt to be with a credit union. With various institutions, under various circumstances, rates can differ.

It is confusing, except that most constituents and millions of Americans would like to see some restraint. I don't know how you can possibly explain why some institutions can get away with rates that are literally triple digits in some cases. I don't think we are going to resolve that matter on this bill. But we ought to have some clear idea of how to put some restraints on national usury laws. I am not a Bible scholar, but for those who are, I am sure they can recite chapter and verse in the Old and New Testaments when it comes to the usurious rates that were being charged by money changers and the like.

At the appropriate time, I will propose an amendment that will allow us to get back to people in a short period with some analysis of how to impose some meaningful restraints on what is charged to consumers for the privilege of borrowing money when they need it, as so many do, to pay tuition, pay mortgages, keep the business operating and deal with the health care crisis, or just to survive week to week. People have been taken advantage of under circumstances that are deplorable, in my view, when the rates are particularly beyond excessive.

I think one should not read the outcome of the Sanders vote as a rejection of the idea that applying some standards of fairness is unacceptable to this body. I believe a lot of Members voted against waiving the budget point of order not because they disagreed with what he is trying to do. I would not want that vote to reflect that. I support Senator SANDERS, as I did on the budget debate, not because I necessarily agreed with the number he had in mind, but because it is an important debate and he should have had the right to be able to proceed with his amendment. I wanted to make that point overall. I think it would be a false impression to walk away and say

the Senate rejected any idea of considering some sort of a national usury rate because they rejected the waiver of the point of order that Senator SANDERS offered.

I see my colleague from Louisiana, who I think wants to speak.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 1079

Ms. LANDRIEU. Mr. President, I want to speak for a few moments about an amendment that I ask be called up, amendment No. 1079.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Ms. SNOWE, Mr. CARDIN, and Mrs. SHAHEEN, proposes an amendment numbered 1079 to amendment No. 1058.

The amendment is as follows:

(Purpose: To end abuse, promote disclosure, and provide protections to small businesses that rely on credit cards)

At the end of title V, add the following:

**SEC. 503. EXTENDING TILA CREDIT CARD PROTECTIONS TO SMALL BUSINESSES.**

(a) DEFINITION OF CONSUMER.—Section 103(h) of the Truth in Lending Act (15 U.S.C. 1602(h)) is amended—

(1) by inserting “(1)” after “(h)”; and

(2) by adding at the end the following:

“(2) For purposes of any provision of this title relating to a credit card account under an open end credit plan, the term ‘consumer’ includes any business concern having 50 or fewer employees, whether or not the credit account is in the name of the business entity or an individual, or whether or not a subject credit transaction is for business or personal purposes.”.

(b) AMENDMENT TO EXEMPTIONS.—

(1) IN GENERAL.—Section 104 of the Truth in Lending Act (15 U.S.C. 1603) is amended—

(A) in paragraph (1), by inserting after “agricultural purposes” the following: “(other than a credit transaction under an open end credit plan in which the consumer is a small business having 50 or fewer employees)”; and

(B) in paragraph (4), by striking “\$25,000” and inserting “\$50,000”.

(2) BUSINESS CREDIT CARD PROVISION.—Section 135 of the Truth in Lending Act (15 U.S.C. 1645) is amended by inserting after “does not apply” the following: “with respect to any provision of this title relating to a credit card account under an open end credit plan in which the consumer is a small business having 50 or fewer employees or”.

Ms. LANDRIEU. Mr. President, I call this amendment up for discussion purposes. I am open to some modification. I want to explain, basically, this amendment. I have spoken with the chairman of the committee that has proposed the underlying bill. He sees merit in this proposal, and I am grateful for that. I want to talk about what the issue is, generally, and then as we proceed to a final vote, I may be open to some modification of this amendment.

As chair of the Small Business Committee, I offer this amendment on behalf of myself and my ranking member, Senator SNOWE from Maine, who served for many years as chair of this impor-

tant committee. We have committed to try to be the very best advocates we can for small businesses in America. There are close to 30 million small businesses that are actually feeling the brunt of this recession—in some ways more than anybody, as the Chair knows. In Illinois, I am sure the occupant of the chair hears on a regular basis from small mom-and-pop operators who have been in business for decades, to the more established but relatively small businesses, restaurants, shoe repair shops, hardware stores—people who have said to me—and I am sure he hears this—“Senator, we have never experienced this kind of difficulty getting access to credit.” They are angry, and they should be. They are frustrated, because while they understand shared sacrifice, like many hard-working Americans do, they are having trouble understanding how we continue to send billions and billions of dollars to the big banks, the Wall Street companies, to the international companies, and they are having trouble seeing any of that actually hit Main Street, where they are, where they have been, and where they want to stay.

The small businesses are right around the corner and, in some instances, on the same block as the constituents whom we represent—of course, we represent them as well. It came to the attention of this Chair and our ranking member that this bill, which has a lot of merit—this amendment to consumer protection language is very important, but it has a limit that we are not comfortable with. That limit is that this credit card protection extends only to a natural person, what is defined in the law as a natural person. So it is a personal credit card that you would get that would get this benefit. I think, as chair of the Small Business Committee, representing a broad coalition, that this same benefit should extend at least to small businesses as well, to businesses that are literally trying to keep their access to capital—not just to keep themselves in business, to keep their communities strong, but to lead our Nation’s recovery. The President himself has said he expects that in our recovery—and he is correct—job creation is not going to come from the big businesses, the multinational companies; they are going to be contracting for some time, I suspect. What big business has to do to survive—I have some general understanding of that, but the big risks are going to be taken by the small entrepreneurs who, despite the gloom and doom, have decided their ideas are worth pursuing, and they are going to build this recovery one job at a time.

I don’t know why we would even be considering only limiting this help and support to private individuals and leaving small business out. I don’t think that is the intention of the chairman of the Banking Committee, as he has indicated to me. So that is basically what our amendment would do. It would simply include small businesses that

have \$25,000 on their credit card, where they are trying to stay in business, keep their lights on, keep that capital flowing, as other sources dry up, as we have heard, and extend the same protections to them.

I am open to some slight modifications because I understand there may be some objections. I am not clear about where those objections would come from. So right now, let me say again that I offered this in a bipartisan amendment from Senator SNOWE and myself. I am happy also that we are joined by Senators SHAHEEN, CARDIN, and others, who have indicated they may want to cosponsor this amendment.

I have a long list of organizations that have endorsed this concept. I will read them into the RECORD. The Consumer Action Group; Consumer Federation of America; Food Marketing Institute; National Association of College Stores; National Association of the Self Employed; National Association of Theater Owners; American Beverage Licensees; American Society of Travel Agents; National Small Business Association, which brought this issue to my attention; Petroleum Marketers Association; Service Employees International; U.S. Hispanic Chamber of Commerce; U.S. Women’s Chamber of Commerce; National Consumer Law Center on Behalf of Low-Income Clients; National Community Reinvestment Coalition. I understand that also the National Federation of Independent Businesses, the largest organization of independent businesses in the country, is poised to endorse this as well.

So we have a very credible group of organizations that think these protections for credit cardholders should not go to persons but to businesses that arguably need as much, if not more, protection as they attempt to create jobs and keep their businesses open, which is a help to all. So that is the nature of this amendment.

I understand that it is important to bring this debate to a close and, hopefully, we can get there. I do know there are probably 30 other amendments pending and this, of course, is one. I am sure we can find a time that is appropriate for this vote.

I wanted to bring to the attention of the Senate that one of the reasons this issue is becoming so important to small businesses is, if you think about it, only 15 years ago, most people who started their own business would either take out a home equity loan or they might borrow money from a rich uncle or aunt or they would dip into their savings, and this was sort of the traditional way. If they had some status or credit in the community, they could go to their local bank and they might get a loan for their business.

Those times have changed dramatically. I don’t have the charts here, but if I could show one, it would show that on the latest survey our committee took, 59 percent of all businesses in

America are using credit cards to finance their business or for their primary cash flow tool. Credit cards for businesses are different. We just had American Express testify this morning. Of course, if you have an American Express business card, their model is different. The good news is that you have unlimited amounts of money that you can borrow. The bad news is that you have to pay it off at the end of the month. So it is more of a cash management tool than it is long-term credit. However, they are useful. But there are Visas and Master Charge and Discover cards and others that people are now putting \$50,000 on the card or \$75,000 on the card or \$100,000 on the card to finance their restaurants and their printing shops and their hardware stores.

This was not true even 25 years ago. This was quite unheard of. So we have to recognize that small businesses today are relying on the good will of these credit card companies. Some of them are more reliable, in my view, than others. But regardless of whether they are doing excellent work or shoddy work—and some of them are doing shoddy work—this Government has an obligation to say let's make sure the basic consumer protections are there. You cannot raise rates without giving notice. You cannot retroactively raise rates. What we are doing for consumers is good. We need to extend it to small business.

That is the essence of this amendment. I am proud to be joined by Members from both sides of the aisle. I am going to be talking with the chair of the committee. There perhaps could be some modifications where we could agree to this amendment and not have to have a vote, but I don't know. Right now I am intending to have a vote on this amendment.

I appreciate the thousands of business owners who are supporting this amendment through these very reputable organizations that are supporting the extension of these benefits to the small businesses of America that absolutely need our action on this, this week.

I yield the floor.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 Dodd-Shelby substitute amendment No. 1058 to H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009.

Harry Reid, Christopher J. Dodd, Bill Nelson, Richard Durbin, Debbie Stabenow, Patrick J. Leahy, Patty Murray, Amy Klobuchar, Russell D. Feingold, Mark R. Warner, Jon Tester,

Mark Begich, Mark L. Pryor, Robert P. Casey, Jr., Benjamin L. Cardin, Jack Reed, Sherrod Brown.

#### CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009.

Harry Reid, Christopher J. Dodd, Richard Durbin, Bill Nelson, Debbie Stabenow, Patrick J. Leahy, Patty Murray, Amy Klobuchar, Russell D. Feingold, Mark R. Warner, Jon Tester, Mark Begich, Mark L. Pryor, Robert P. Casey, Jr., Benjamin L. Cardin, Jack Reed, Sherrod Brown.

Mr. REID. Mr. President, I have spoken to the Republican leader. He knew we were going to file these. It is no surprise to anyone.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

#### AMENDMENT NO. 1107 TO AMENDMENT NO. 1058

Ms. COLLINS. Mr. President, I call up amendment No. 1107.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself and Mr. LIEBERMAN, proposes an amendment numbered 1107 to amendment No. 1058.

Ms. COLLINS. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To address criminal and fraudulent monetary transfers using stored value cards and other electronic devices)

At the end of title V, add the following:

#### SEC. 503. STORED VALUE CARDS.

(a) DEFINITIONS.—Section 5312(a) of title 31, United States Code, is amended—

(1) in paragraph (2)(K), by inserting “stored value devices,” after “money orders,”;

(2) in paragraph (3)(B), by striking “; and” at the end and inserting “, and stored value devices and any other similar money transmitting devices;”;

(3) in paragraph (3)(C), by striking the period at the end and inserting “; and”;

(4) by adding at the end the following:

“(D) as the Secretary of the Treasury shall provide by regulation for purposes of sections 5316 and 5331 of this title, stored value devices, or other similar money transmitting devices (as defined by regulation of the Secretary for such purposes), unless the Secretary, in coordination with the Secretary of Homeland Security, determines that a particular device, based on other applicable laws, is subject to additional security measures that obviate the need for such regulations as it relates to that device.”; and

(5) by adding at the end the following new paragraph:

“(7) ‘Stored value’ means funds or monetary value represented in digital electronics format (whether or not specially encrypted) and stored or capable of storage on electronic media in such a way as to be retrievable and transferable electronically.”.

(b) CRIMINAL PENALTIES.—Title 18, United States Code, is amended—

(1) in section 1956(c)(5)(i), by striking “and money orders, or” and inserting “money orders, stored value devices, and any other similar money transmitting devices, or”; and

(2) in section 1960(b)—

(A) in paragraph (1)(C), by inserting “, including funds on fraudulently issued stored value devices and funds on stored value devices issued anonymously for the purpose of evading monetary reporting requirements,” after “funds”; and

(B) in paragraph (2), by striking “or courier” and inserting “courier, or issuance, redemption, or sale of stored value devices or other similar instruments”.

(c) MONEY TRANSMITTING BUSINESSES.—Section 5330(d)(1)(A) of title 31, United States Code, is amended by inserting “stored value devices,” after “travelers checks.”.

Ms. COLLINS. Mr. President, I ask unanimous consent the Senator from Connecticut, Mr. LIEBERMAN, be added as a cosponsor of the amendment.

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

Ms. COLLINS. Mr. President, stored value cards have been used and are being used by Mexican drug cartels to smuggle their drug revenues back to Mexico. The Department of Justice estimates that up to \$24 billion in cash is smuggled into Mexico each year from the United States and these stored value cards are one of the means by which the cash is smuggled back into Mexico. Stored value cards can be loaded anonymously by individuals who are involved in criminal enterprises, such as drug trafficking. The cards are then physically smuggled across the border and can be used to withdraw large quantities of cash from ATMs.

Under current law, cash and other monetary instruments that exceed \$10,000 must be declared at the border. For those of us who have traveled to different countries, we are very familiar with the white form you have to fill out in which you have to indicate if you have cash that exceeds \$10,000.

However, there is a loophole in the current law. Stored value cards, either individually or collectively in excess of \$10,000, do not have to be reported because they are not considered to be monetary instruments under the law. The amendment Senator LIEBERMAN and I are offering would require such reporting and make it a crime to launder money using these stored value cards.

The Deputy Attorney General of the United States has pointed out that large quantities of cash are put together and smuggled across the border to the south. He has pointed out that there are various ways this can be accomplished but that stored value cards are one of the means for smuggling this cash.

Mr. President, as you know as a loyal and diligent member of the Homeland

Security Committee, our committee has been investigating the problem of drug trafficking from these Mexican cartels. What we found is the drugs are coming north and cash and weapons are going south. By closing the loophole on reporting for large quantities of cash that are being smuggled back and forth using these stored value cards, we can help give law enforcement another tool to crack down on the smuggling of cash that is often the proceeds of criminal activity, including drug smuggling.

This is not just theoretical. It is not only the Deputy Attorney General who has pointed out that these cards can be a means of smuggling large quantities of cash but also law enforcement agents throughout the United States have been investigating criminal enterprises that are using these cards. Let me give a couple of examples.

Law enforcement agents in Dallas have been investigating a Colombian narco-trafficking organization that wanted to launder narcotic proceeds via stored value cards. The organization wanted to obtain 50 stored value cards that would be used to launder \$100,000 in proceeds. These transactions would be structured in different increments per card for the total of \$100,000. The cards would then be exported out of the United States to Colombia. The cards would be cashed out in Colombia and the dollar value would be converted to Colombian pesos at the official exchange rate.

In another example, law enforcement undercover operations have revealed at least nine transnational criminal groups engaged in moving criminal proceeds via stored value cards. These operations have revealed the cross-border movement of stored value cards loaded with millions of dollars of illicit proceeds. Numerous collateral investigations and enforcement actions have been conducted as a result of these undercover activities.

This is a loophole in our laws we need to plug and the Collins-Lieberman amendment would do that. It would treat these cards as the equivalent of cash because that is what they are. That is what they are. It would require that, just as if you crossed the border with \$10,000 in cash or other monetary instruments you have to declare it, so would you have to declare it if you have these stored value cards. In addition, it would make a failure to report the amount of money on these cards, if it is \$10,000 or more, as a crime, and it would also make it a crime to launder money using these cards.

This is a very concrete, needed action that we could take to help crack down on the smuggling of money that fuels the drug trafficking across the Mexican border. It is a very practical step we can take right now to close a loophole in the law and to provide law enforcement with a much-needed tool.

I know the managers of the bill are not on the floor at present so I will withhold asking for a vote on this

amendment. I do believe we are in the process of clearing it on both sides, but I am uncertain whether that has been completed. It may be that the acting manager of the bill can inform me.

I yield the floor.

Ms. KLOBUCHAR. Mr. President, I appreciate that from the Senator from Maine. The manager of the bill, the Senator from Connecticut, will be returning shortly.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senator from Illinois, the Presiding Officer, be added as a cosponsor of the amendment, and I thank him very much for his support.

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

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BENNET. Mr. President, I rise today to congratulate Chairman DODD and Senator SHELBY for developing the legislation we have before us. Pass this bill, and we will be able to go home and tell our constituents with confidence that the Credit CARD Act of 2009 is a groundbreaking consumer protection achievement. I am pleased that, as a member of the Banking Committee, I was able to vote for the bill in committee and help pave the way for floor consideration this week.

In my travels around Colorado, I have been struck by stories of unfair, undeserved credit card practices, hitting consumers at exactly the hardest time. Melissa Mosley of Durango, CO, told me about how tough economic times forced her to use several credit cards for purchasing supplies and day-to-day expenses for her small business. After a stretch of making minimum payments, Melissa's interest rates suddenly rose, one even reaching 32 percent. The company is refusing to negotiate, making it even more difficult for Melissa and her husband to make ends meet.

And in Cedaredge, Joy Beason is a small business owner who runs a small herbal products business. Last fall, Joy's interest rates tripled from 7.9 percent to 23 percent without notification of any kind. The high interest rates prevent her from paying down more of the principal on the card, leaving her in an endless cycle of debt.

And there's Garrett Mumma of Pueblo whose interest rate on his credit card doubled from 7.9 percent to 13.65 percent despite his solid history of payment. In a letter to me, Garrett wrote, "I only want what's fair. I want the credit card companies to honor their original agreements and not to gouge the American people when they are already suffering so much from the present economic crisis."

These struggles paint an unacceptable picture. We need to rein in abusive practices and create a new set of rules that works for Colorado consumers.

According to a Pew Safe Credit Cards Project study, 87 percent of cards allowed the issuer to impose automatic penalty interest rate increases on all balances, even if the account is not 30 days or more past due. And 93 percent of cards allowed the issuer to raise any interest rate at any time by changing the account agreement.

I am voting for this bill because it protects consumers from excessive fees, ever-changing interest rates where you do not even get notice, and complex contracts intended to confuse you until you give up even trying to understand.

It protects consumers by establishing fair and sensible rules for how and when credit card companies can raise interest rates. Card companies must give 45 days' notice before increasing rates, and can no longer do so on existing balances.

It cracks down on abusive fees. Consumers no longer will have to pay a fee just to pay a bill. And credit card companies must mail statements 21 days before the bill is due, instead of the current 14 days, so cardholders can avoid hefty late fees. It also stops credit card companies from raising rates on a consumer's existing balance because of a payment issue with a separate credit card. These reforms will save some families thousands of dollars a year. And all Americans will be able to access better information to make important financial decisions.

I also want to take one moment in particular to highlight the importance of a new provision in the bill that connects the dots for some of our younger borrowers. The bill provides for consumer literacy education classes, so that when a young person does not have a parental cosigner, and cannot show ability to repay, they can at the very least approach the credit card system with some understanding of the potential dangers they are facing. I am all for consumer choice, but we need our young people making informed choices before they find themselves in a world of debt.

I believe more educated young consumers will stay solvent, stay debt free, learn the value of saving, and make better decisions for their future.

At the same time, this legislation is not doing anything that the industry has not known was coming. It builds on rules that the Bush administration scheduled to go into effect in mid-2010.

The industry will adjust. In a few instances, it may not be seamless. But this is one moment when we all need to band together and remember that Main Street matters.

People in Colorado are struggling, they cannot afford a sudden hike in their interest rates that they were not informed of and could not do anything to avoid. No longer. I stand proudly with Senator UDALL, who has worked to protect consumers from credit card company excesses for years, in urging the full Senate to stand together, break through the partisan divide and come together and pass the Dodd-Shelby legislation.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, before our colleague from Colorado departs the floor, I want to thank him. I mentioned Senator BENNET earlier today in my comments about some new additional Members: Senator MERKLEY and Senator WARNER.

I say to the people of Colorado, as I did earlier about our colleague from Oregon, we are so fortunate to have the Senator in the Chamber at this time. I feel particularly fortunate to have the Senator as a member of the Banking Committee. I served on the committee for some years. I have never been chairman before 2007, the last Congress. I have served under a lot of people on that committee over the years.

I hope not just the people of Colorado but the people of the country understand how fortunate we are indeed to have someone of MICHAEL BENNET's talents and background to be a member of this committee. He is a junior member of the committee, but his ideas, his thoughts, his questions, and his participation qualify him as a senior member of that committee because of the contribution he has already made in little more than 100 days of being on the committee.

So I thank him for his involvement on this bill. He is thoughtful. We have some major issues to grapple with in the coming weeks. The modernization of our financial regulatory structure and the architecture of that is going to be one of the largest and most important debates this committee and maybe this Congress will have engaged in in years, considering how important financial services are to our economy and the world's financial stability.

MICHAEL BENNET brings to that chair he sits in as a junior member of the committee years of valuable experience in helping us decide what steps we should take, the configuration that architecture should be, so that we can move ahead with thoughtfulness and with a certain amount of care and caution as we try to set up a system that will avoid the pitfalls that created the problems we are in today.

So I am particularly grateful to him for his involvement on this bill. But I would be remiss if I did not say to my colleague, MICHAEL BENNET, he has been a significant contributor to the

work of this committee since the moment he arrived. I thank him for that and appreciate his continuing involvement. I am grateful to the Senator for his support of this bill. I look forward to working with him for a long time to come on these and other matters before the committee. I thank the Senator.

I want to also kind of review the bidding a bit as to where we are this evening. I will begin by thanking the majority leader, Senator HARRY REID of Nevada, who has created the possibility for us to bring up this important piece of legislation.

While my name and that of Senator SHELBY are at the top of the page as the authors of the substitute, that is an unfair characterization because so many people have been involved on our committee, and others in this Chamber, who care about these issues and have for a long time.

I am very grateful to Senator SHELBY, with whom I work very closely on the Banking Committee, and his staff and how well they work with mine in helping to shape a bill like this, a substitute like this.

We are dealing with some very egregious violations of consumer protection. They did not happen overnight; they have been growing over the years; and they reached a point where I cannot think of anyone who has not been either affected directly themselves or had family members or children or their parents or neighbors and friends adversely affected by these practices by the issuing community generally.

There are some who do a very good job. I probably should say this more frequently. We talk about the credit card issuers, the credit card companies. The behavior is not only unacceptable, it is not only irresponsible, it is offensive. There are other ones that do a good job.

Like all matters before us, when we talk about an industry, there are those who perform admirably and well and care about the people they serve, and there are others who could care less what happens as long as they get money out of the pockets of those to whom they have lent some money.

But we write laws to protect those people against those who would do them harm. So we are trying to shut down a practice that goes on too often: when there are 70 million accounts whose rates have gone up in an 11-month period; when there are fees and penalties that have brought in billions of dollars, exorbitant fees and penalties, way beyond any proportionality to the offense committed—of being a day late, an hour late, in some cases, for the first time ever.

Samantha and Don Moore from Guilford, CT, were here today to talk about their experience. I have listened to them in the past. It showed courage for them to step up. For 40 years—40 years—Don Moore has been doing business with his credit card company, 40 years. Without any violation, any late fees whatever, one time 3 days late,

around the Christmas season, the Moores found that their interest rate went from 12 percent to 27 percent; their credit limit from \$32,000 to \$4,000.

The Moores run a small business in my State. They use their credit card as a way to function in their small business. They pay their employees; they buy inventory. Without any real violation other than to be a few days late for the first time in 40 years, the Moores watched their rate double, more than double, from 12 percent to 27 percent and watched their credit limit drop from \$32,000 to \$4,000.

That is the kind of behavior that is not the rare exception. Virtually every one of my colleagues can tell similar stories about people in their States.

I know the Presiding Officer could as well from the State of Illinois. May 13, as we gather a day or so away from adopting legislation that will prohibit those practices, that you cannot change these rates arbitrarily. You get notice of 45 days. These introductory rates have to be in place for at least 6 months before you can change them. You must notify a person of late penalties or fees 21 days in advance, giving people opportunity to respond; no charging higher interest rates on existing balances the way they do today; no raising rates because you may be late on a utility bill or a car payment having nothing to do with your credit card; no continuing to charge rates when you have paid off a substantial part of your balance and a small amount remains and yet the card applies that interest payment on the entire amount you owed earlier.

For example, you owe \$1,000, you pay off \$900, the credit card companies were actually charging interest rates not based on the \$100 that remains but on the full \$1,000 until all of it is paid off. Those are not isolated examples of abuses by credit card companies. They are widespread. There are other such examples that go on that have been very harmful to consumers.

In this legislation, we give the consumer the power to decide what the circumstances are as to whether they want a credit limit or whether they want that limit to be exceeded. I remember the days not long ago when if you exceeded your credit limit, the clerk in that store or that waiter in the restaurant might politely suggest the credit limit has been exceeded and you might want to return the product. It is more difficult in a restaurant since the bill usually arrives at the end of the meal, but, nonetheless, I am sure many who may be listening can recall similar instances. That is no longer the case because the issuing companies have discovered they make a lot more money by charging exorbitant fees and penalties because you might be \$10 or \$20 or \$50 over your limit.

The point there is a legitimacy in their mind to absolutely load you up with penalties and fees. In fact, they welcome the opportunity that you may be a little bit over your credit limit,



rather than being responsible and giving you the opportunity to decide whether you want to actually acquire that particular good or purchase. Today we have changed that. We let the consumer decide. We begin by saying there will be credit limits. If you want to opt out of that, you can. But it gives you the opportunity to be notified when you are going to exceed that limit so you don't find yourself behind the 8 ball and paying penalties you would rather not pay and would like to be notified when that is the case.

Imagine this: Here we are a decade into the 21st century. My 7-year-old runs a computer at home. My 4-year-old is trying to figure it out. Credit card companies want to charge fees if you pay your bills electronically. You can file your income taxes, you can engage in all sorts of economic behavior through the Internet today. But credit card companies want to penalize you if you pay your bills electronically or by phone or by some other means other than mail. Again, it is a further egregious example of an industry that is more interested in trying to trip you up, trying to make it more costly for you to use their cards than they are trying to assist you economically.

I could go on for the entire rest of the evening citing story after story in my State, as I am sure every other Member could, examples of abusive, outrageous behavior.

We have spent a long time over these last number of weeks and months talking about what needs to be done to get banks and other financial institutions in shape. I don't regret that. That was the right thing to do. But it is long overdue that we also try to do something on behalf of the people who utilize these services, whether it is trying to mitigate foreclosure of their homes or trying to see to it they don't get ripped off by a credit card company. In the next 48 hours, we are going to do that for the first time in the history of this body.

Twenty years ago, I started on this issue. I never got much more than 30 votes. When the bankruptcy reform bill was up, I tried to deal with credit cards. It got 32 votes. I tried to do some of the things for which I believe we will have an overwhelming vote in the next day or so. I believe our constituents will welcome the fact that the Senate of the United States, along with the other body which has acted on this issue already, is responding to their concerns. They are talking about it every day. They are wondering whether their interests will be part of this debate. This bill may not do everything everyone would like, but I believe it is a major step in the right direction. It addresses many of the major concerns raised over these many weeks and months and years that these matters have been growing in terms of their impact on people and their ability to survive on a daily basis economically.

Again, I thank my colleagues from the Banking Committee, Democrats

and Republicans, Senator SHELBY, former chairman of the committee. We got it out of committee by one vote. The Presiding Officer is a member of the committee. By a vote of 11 to 12 we happen to be here. We would have lost this issue had we lost one other vote. But our colleagues in the committee stood with us and, by the thinnest of margins, we were given the right to be here tonight to talk about this.

The vote of this body will be far greater than a one-vote margin when it comes to passing this legislation. We have an American President who has been utilizing the Office of the Presidency to talk about this issue. He has had press conferences, met with consumers. He talked about it on his radio broadcast on Saturday. He is creating the kind of environment where this legislation will become the law of the land.

I may not get many more opportunities, with the amendments to be considered tomorrow, to address the overall consideration of this bill.

Let me say that to the card companies as well, I appreciate the fact that they have been at the table as we have worked through this. I have not isolated them. I allowed them to make their cases where we were doing things that may have gone further in terms of serving the needs of our consumers and constituents. This is a bipartisan bill. That is something I try to achieve on every matter I am involved in directly. I don't think you can do much in this Chamber without having to reach out to each other and listen. We have done that.

To Senator SHELBY's great credit, he has joined in this effort so we have the bipartisanship our colleagues seek. I believe we will pass this legislation and provide some relief for the people of our country at a time when they need it desperately. There has never been a moment in recent past history when constituents and the citizens of this country needed more help from their Government, whether it is home foreclosures, a loss of jobs, tuition, health care problems—all of those issues are affecting millions of people. While this bill will not solve all the problems, for the first time ever it will provide some relief in a very important area—the availability of credit and the use of credit cards and the need that people have on a daily basis to have access to that credit to provide for themselves and their families.

I see my good friend and colleague from Nebraska.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. I thank my colleague from Connecticut and extend to him appreciation for an outstanding job with this credit card bill. He has done outstanding work bringing the parties together, putting together a bipartisan effort. I congratulate him on that and look forward to having him move forward.

#### MEASURING PROGRESS IN AFGHANISTAN AND PAKISTAN

Tonight I rise to discuss the administration's supplemental funding request for the ongoing challenges in Afghanistan and Pakistan. The administration is putting in place a new strategy for that region, and it comes at a crucial time. U.S. diplomats, military servicemembers, humanitarian groups, and our coalition partners have all worked to battle terrorists and establish more stability in that region since the terrorist attacks of 9/11. Yet today, al-Qaida and the Taliban, along with other extremist allies, remain a destabilizing and dangerous force. Across the region, there is too much violence, too much social and economic turmoil, and too little opportunity in the lives of the Afghan-Pakistani people.

The administration's strategy is undergoing modifications as we speak. I support the move this week by Defense Secretary Gates to select a new United States military commander for Afghanistan. In my view, it is vitally important we get both the evolving strategy right and that we have the right way to assess the strategy going forward.

Since early this year, I have pressed the administration and military officials on the issue of developing progress measurements for Afghanistan and Pakistan. I have been pleased to hear their support. We have heard the administration is developing standards and measurements to evaluate a strategy for the region, at least internally. We need to go further.

My purpose is straightforward. It is an outgrowth of bipartisan work that I undertook several years ago during the war in Iraq. I was troubled because many people seemed to be looking at the same set of facts during several sessions of terrible violence, but one group concluded that we were losing while another determined we were winning. In response, I helped draft bipartisan legislation with Senators JOHN WARNER, SUSAN COLLINS, and Senator CARL LEVIN that Congress approved and President Bush signed into law. We established 18 benchmarks or measurements of economic, military, and diplomatic efforts in Iraq. The benchmarks helped Congress and the American people gain a better understanding of our successes and our challenges in Iraq. They helped play down a partisan debate over whether we were winning or losing.

One important point I would like to make tonight is we didn't dictate what the benchmarks should be. They were suggested by the administration, military leaders, and the Iraqi Government. We did require the administration report to Congress, and the reporting provided valuable and objective information to the American people about how things were going in Iraq, from efforts to reduce insurgent attacks to the Iraqi Government working out distribution of oil royalties.

Just as I didn't support tying the previous administration's hands in Iraq by

setting arbitrary time lines for troop withdrawal or dictating specific measures in progress, I don't support that approach with this administration either. Still, I will continue working with this administration to bring specific progress measures or benchmarks out into the public eye.

Last week I wrote a letter to Senate Appropriations Committee Chairman INOUE and Ranking Member COCHRAN urging them to include a requirement for progress measurements in the fiscal year 2009 supplemental appropriations bill. I was pleased to learn today that the committee markup of the supplemental bill we are scheduled to take up tomorrow does include the two elements I have sought. I understand that the bill will require the President to submit an initial report to Congress this year and subsequent reports to assess whether the Governments of Afghanistan and Pakistan are doing enough toward continuing the President's new strategy. In short, are they doing their part?

The bill also outlines general areas to measure the success of that strategy or what I refer to as benchmarks. Timely and regular status reports will enable the American people to gain an understanding of whether the strategy is working or should be altered. In fact, it will be transparent.

I look forward to the administration defining more clearly the progress measures to evaluate that strategy and to them becoming public. We all want the mission of the United States in Afghanistan and Pakistan to succeed. The more we know about whether we are achieving goals tied to the mission, the more Congress and the American public will be able to support our military, economic, and diplomatic efforts going forward. For too long our standards to measure success in Iraq were vaguely defined. That led to the partisan disputes over U.S. strategy and uncertainty in the minds of the American public. The controversies didn't provide American servicemembers fighting the war with the unity of purpose and support they deserve. Now in Afghanistan and Pakistan, the American people should receive a clear explanation of the mission, an objective set of measures by which to evaluate it going forward, and regular status reports on the mission's progress.

As the Federal Government asks for further sacrifice from our citizens and as we are forced to continue putting our men and women in uniform in harm's way, Congress must provide all available tools to achieve success. We should provide nothing less.

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

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

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

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

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

#### TRIBUTE TO MARTIN SINNOTT

Mr. DURBIN. I rise today to congratulate Martin Sinnott on his retirement as president and CEO of Kids Hope United. Throughout his career, Marty served Illinois' children and families, first at the Illinois Department of Children and Family Services, then The Youth Campus, and finally Kids Hope United. After 30 years of success in the nonprofit social services, Mr. Sinnott is ready for a change of pace.

Marty Sinnott is a native Chicagoan. He earned his undergraduate and graduate degrees from the University of Chicago. His first job after college was with the Illinois Department of Children and Family Services. There, he started as a social worker and over the course of ten years rose to become administrator of resource development and utilization.

After Marty left DCFS, he continued his work on behalf of needy Illinois children as president and CEO of The Youth Campus, a child welfare agency in Chicago. During his tenure at The Youth Campus, he increased the organization's revenues from \$1 million to \$13 million. And more importantly, he led the organization's growth so it was serving six times as many kids.

Since 1999, Marty has been with Kids Hope United, a Chicago-based private nonprofit child and family services agency. As chairman and CEO, Mr. Sinnott led a multistate expansion that tripled revenues and, again, increased the number of children and families the agency reached. Kids Hope United now has a 900-person staff, an annual operating budget of \$55 million, and a scope of services that reaches families in Illinois, Missouri, Wisconsin, and Florida.

I commend Marty Sinnott for his decades of service to the children and families of Illinois. Congratulations go out to him and his family on his retirement from Kids Hope United. We wish you many years of continued success.

#### DEPARTURE OF GREECE'S AMBASSADOR TO THE U.S.

Mr. KERRY. Mr. President, through my duties in the Senate I have an opportunity to work with many foreign ambassadors to the United States. I rise today to mention the contributions of one ambassador who is leaving Washington and returning to Athens, Greece, to serve his country at the Foreign Ministry: Ambassador Alexandros Mallias.

Ambassador Mallias worked hard to represent Greece and its historic cul-

ture—shared by three million Americans of Greek descent—to the United States and our Government. While the U.S. and Greece are strategic partners, working in concert on a host of issues from Afghanistan to anti-piracy operations, our shared values transcend our interests, and we hold in common a longstanding respect for democracy and freedom, whether in Boston or in Athens.

During his tenure, Ambassador Mallias was particularly active with Congress, and held many presentations and briefings for Senators, Members of Congress and their staffs. I especially appreciate his efforts in helping make the recent visit of Greece's Foreign Minister, Dora Bakoyannis, whom I had the pleasure to host at a Working Coffee of the Foreign Relations Committee, so productive. The Ambassador was also involved with think tanks, advocacy groups, grassroots organizations and universities, traveling widely in the U.S. to engage civic leaders, Greek Americans, students and other people on important bilateral issues. His work with Jewish and African American communities was also significant, earning him numerous commendations, including a Martin Luther King Award.

Many of us in Congress will miss his fine work and I wish him the very best.

#### TRAVEL PROMOTION ACT OF 2009

Mr. DORGAN. Mr. President, yesterday I introduced, with Senators ENSIGN, INOUE, MARTINEZ, KLOBUCHAR, and others, the Travel Promotion Act of 2009. We seek with this bill to increase travel to the U.S. and rebuild the country's place in the global travel market. After 9/11, the number of overseas travelers to the U.S. decreased dramatically and has still not recovered. In addition, the current U.S. economic downturn has caused many American families to cut back on vacation plans and our travel industry is struggling.

Travel and tourism are a crucial part of our economy. Travel expenditures in the U.S. are estimated to be \$775.9 billion for 2008. Yet other countries have gained market share to our detriment. Foreign travelers are going elsewhere.

The absence of Federal leadership in travel promotion has resulted in States having to step in to fill that void. An example is the effort made by my home State of North Dakota, where tourism is the State's second largest industry. Research by North Dakota State University found that in 2007 out-of-State visitors spent \$3.96 billion in North Dakota. The investment that North Dakota made to encourage travel and tourism has reaped enormous benefits. But we can only imagine how many tourists would enjoy each of our States if we did not just leave the promotion to the States, but made that investment as a Country.

The lack of a coordinated Federal campaign creates a comparative disadvantage with countries that have

centralize ministries or offices to encourage international travel to their countries. The example of North Dakota should be a lesson for the entire country. The U.S. offers unique and diverse destinations for travelers—a small investment in national coordination has the potential to create a significant windfall for our economy.

The Travel Promotion Act of 2009 will promote travel to the U.S., including areas not traditionally visited, highlighting the U.S. as a premier travel destination. The bill will improve communication of U.S. travel policies and perceptions of the process—negative perceptions can often deter foreigners from traveling here. Our communities will benefit from growth of this multibillion-dollar industry—with an increase in visitors they will experience an expansion of jobs and local economies.

The bill initiates a nationally coordinated travel promotion campaign established in a public-private partnership to increase international travel to the United States. It creates a Corporation for Travel Promotion, an independent, nonprofit corporation, to run the travel promotion campaign. The program will be funded equally by a small fee paid by foreign travelers visiting the U.S. and matching contributions from the travel industry.

This is a great country, and we should welcome visitors to our shores to meet our people and experience our culture.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. 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 heartbreaking and touching. While energy prices have dropped following the submissions, those prices are now on the way back up and 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. Today marks the last of the submissions, a process that has taken approximately ten months to complete. But this concern—our national energy policy—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. These 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:

Not too long ago, I was considering purchase of a residential solar array. I have read examples about people in other states (California, Massachusetts, etc.) who had implemented a solar array at home (including an inverter), which enabled them to generate some of their own power/electricity. Most importantly, they are able to sell their excess power via the inverter to the grid when they are not using it. This is an equal rate, meaning that the utility company would buy it at whatever their current rate was at that time of day. Basically, your electricity meter spins backwards according to the amount you contribute to the utility. In this way, people are able to "bank" kilowatts into the grid so that the power they used at night was somewhat paid for (depending on the size of their array, rate of usage and amount of sunshine available, obviously).

After talking to some people locally, I have heard that Idaho Power does not have anything remotely like this policy in place. In fact, it sounded like they are only required to pay 50% the value of the power your array might generate and feed to the grid via your inverter, and only for a set volume. After reaching a particular level, the utility would be capturing a lot of that resident provider's power for free. This appears to be an unfair practice to me, and really tramples on any incentive for buying and implementing a residential solar array. There is a federal tax credit available, but that just addresses start-up costs, not long-term usage and maintenance.

I am no energy expert and do not claim to have validated all of the data I put forth above, but I am very interested in pursuing a solar-energy based solution to cut my long-term energy costs. Given the days of sun per year in southwest Idaho, this seems like a no-brainer.

Please tell me about your position on residential solar energy implementation practices here in Idaho, and specifically how you would vote on a bill that would require our local energy provider (read: Idaho Power) to fairly compensate residential energy providers, using the scenario I mentioned above. This will directly impact how I vote in the future.

JOHN, Boise.

Senator Crapo, this information seems to be right on. I hope you will take the time to read it.

MARY, Sandpoint.

Dear Mary,

On several occasions in the past few months, I have written about the impact of skyrocketing fuel prices on airline customers—in their daily lives and when they travel (Final Approach May 1 and Final Approach May 28). In the long run, to lower oil prices for all Americans, we need to increase domestic supply, increase exploration, alternative energy sources and conservation. However, one near-term solution to the problem is for government to investigate and rein in oil speculators.

What is the Commodities Market?—Commodities are raw materials purchased by manufacturers of finished products such as food manufacturers, oil refiners or builders. Businesses that are highly dependent on oil—refineries, heating oil dealers, airlines and trucking companies among others—lessen their risk of significant price fluctuations by purchasing future delivery contracts at predetermined prices in what is known as the commodities or futures markets. The two largest U.S. commodities markets or futures exchanges are the Chicago Mercantile Exchange and the New York Mercantile Exchange, where people trade standardized futures contracts; that is, a contract to buy

specific quantities of a commodity at a specified price with delivery set at a specified time in the future.

What is the Problem with Oil?—There is a significant disconnect between the paper market for oil (speculators) and the physical market for oil (consumers). In recent years, speculators have taken advantage of actual consumers of oil by bidding up the price for futures contracts. If a speculator purchases a contract for delivery of oil at a high price six or 12 months in the future but has no intention of actually taking delivery of the oil in that contract, then a physical customer who needs that oil—to deliver home heating oil, to operate trucks or airplanes, or even to process in a refinery—will be forced to pay the higher price in order to obtain the oil that is needed.

How Do They Get Away with That?—Increasingly, sophisticated institutional investors have managed to manipulate the rules and regulations governing commodities transactions through a series of exemptions and waivers, including the so-called "Enron loophole," low margin requirements and the dodging of U.S. public disclosure requirements. These complex arrangements have a similar impact: They put people engaged in oil-related businesses at a disadvantage with those who gamble relatively small sums that the price of oil will increase out of proportion to marketplace demands. If that happens, as it has regularly over the past few years, those who need oil for their businesses pay a premium, which is passed on to you—the consumer.

What Can Government Do Now?—In the near term, Congress needs to address the impact of unchecked speculation in the commodities market.

Commodities trading is overseen by a small, but very powerful government agency known as the Commodities Futures Trading Commission (CFTC). Congress can require the CFTC to implement a host of controls such as imposing limits on the quantity of commodities contracts speculators may purchase, closing the loopholes that allow speculators to trade exempt from any government oversight or regulation, and requiring reporting by those who are engaging in speculation.

Experts say that closing regulatory loopholes in the trading of commodity futures will result in a significant reduction in fuel prices.

What's Next?—Congress is expected to debate some of these issues in the next few weeks and it is urgent that they hear your voice. To facilitate public participation in the debate over speculators, we have launched a broad-based coalition, S.O.S. NOW, that provides a wide array of information on speculation and its impact on the price we all pay for oil. S.O.S. NOW stands for Stop Oil Speculation Now, and we urge you to go to the Web site [www.stopoilspeculationnow.com](http://www.stopoilspeculationnow.com) and send a message to Congress about oil speculation.

AIR TRANSPORT ASSOCIATION.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO DR. KANU CHATTERJEE

• Mrs. BOXER. Mr. President, I am pleased to pay tribute to world-renowned cardiologist Kanu Chatterjee as he retires from the University of California at San Francisco—UCSF—Medical Center after 34 years of dedicated service.

Dr. Chatterjee was born in what is now Bangladesh and moved with his

family to Calcutta, where they remained unsettled for many years. His father passed away just before he graduated from R.G. Kar Medical College in 1956. To support his family, he took the job of medical officer at the IISCO Hospital at Burnpur. In 1963, Dr. Chatterjee left India for the United Kingdom to further his studies. In 1971, he was recruited to direct the inpatient cardiology service at Cedars-Sinai Medical Center in Los Angeles. Dr. Chatterjee joined the UCSF Medical Center staff in 1975 as director of the cardiac care unit and associate chief of cardiology, where he became the Ernest Gallo Distinguished Professor of Medicine in the division of cardiology.

A beloved physician, teacher, and researcher, Dr. Chatterjee has worked tirelessly over the last 30-plus years in the fields of diagnosing and managing coronary artery disease, heart failure, and pulmonary hypertension. He is also a world-renowned researcher in vascular reactivity and heart failure and has pioneered the study of drugs, such as ACE inhibitors and vasodilators, that have become the standard of care for heart failure. With such a long-standing list of professional accomplishments, it is all the more touching to hear Dr. Chatterjee's patients speak with genuine gratitude and heartfelt emotion about his expertise and compassion.

As Dr. Chatterjee prepares to move on to his new half-time position at the University of Iowa in Iowa City, I wish him many more years of continued leadership and success in the field of cardiology.

I commend Dr. Chatterjee for his 34 years of dedicated service to the UCSF Medical Center community. Along with his friends and admirers throughout the San Francisco Bay area, I thank him for his tireless efforts and wish him the best as he embarks on the next phase of his remarkable life.●

#### REMEMBERING ALEX DEL RIO

● Mr. MARTINEZ. Mr. President, every day, law enforcement officers across the Nation make tremendous sacrifices to fight crime and keep our communities safe. On November 22, 2008, one of those officers tragically lost his life while serving in the line of duty. The officer was 31-year-old Alex Del Rio, a Florida native, a loving son, and an outstanding member of the Hollywood, FL, police department.

Although Alex's life ended just 2 months short of his 32nd birthday, he lived his life to the fullest. He was born in Miami and attended Winston Park Elementary in Miami and McMillian Middle School in Kendall. At the MAST Academy High School in Miami, Alex was a tremendous student, a member of the JROTC Color Guard, and known by his friends as someone who always did the right thing.

After joining the Hollywood Police Department in 1996, Alex began his career as a part-time community service

aide and earned a full-time position on the force in 1999. He held positions in patrol, special operations motors and special operations for DUI traffic homicide. He was named Hollywood Police Department's "Officer of the Month" in October of 2003 and a finalist for the 2003 "Officer of the Year." His colleagues knew him for his sense of humor, his likability, and his love for the job.

Alex's mother Miriam Fernandez has turned her personal tragedy into opportunities for others by establishing the Alex Del Rio Foundation. The foundation aims to enrich the lives of children in south Florida by providing scholarships and promoting the ideals Alex embodied.

His commitment to serving others has touched not only those in Hollywood but also those who work in law enforcement in other States. Officer James E. Manley from the town of Lloyd, NY, was so inspired by Alex's story that he has decided to ride more than 300 miles to be here in Washington in Alex's honor. Officer Manley will join Alex's family and others this week in a candlelight vigil and memorial service for fallen officers at the National Law Enforcement Memorial. I join them in honoring Alex and the many other men and women of our nation's law enforcement agencies who have given their lives protecting and serving our communities.●

#### HONORING JOHN T. NOBLE TRUCKING

● Ms. SNOWE. Mr. President, later this month, we will pause to commemorate those men and women who have given the ultimate sacrifice to defend our Nation and the freedoms we enjoy. On Memorial Day, families of our fallen members of the Armed Forces visit the graves of their loved ones throughout our Nation, often at veteran's cemeteries, to remember our fallen heroes. I rise today with tremendous gratitude to recognize the generosity of two Mainers, John and Joyce Noble, and their business, John T. Noble Trucking, for their dedicated efforts in supporting the creation of the Northern Maine Veteran's Cemetery as a place of rest for thousands of Maine's bravest.

John T. Noble Trucking, a thriving business since 1957, is located in the Aroostook county city of Caribou. A multifaceted company, Noble Trucking provides its customers with a wide variety of services, including landscaping services, commercial deliveries of fuel products as well as truck maintenance, welding, painting, and body repair.

Mr. and Mrs. Noble are well known in the Caribou community for their philanthropic initiatives. The Nobles have donated to countless causes within their community, and in characteristic Aroostook County fashion, have made many of these donations on the condition of anonymity. Organizations like the Caribou Recreation Department, the Northern Maine Fairgrounds, Cary

Medical Center, The Christopher Home and the Caribou Historical Society are just a few of the many grateful County charities that have benefitted immensely from the Nobles' friendship and contributions. Perhaps their most notable work has been their advocacy and determination on behalf of the Northern Maine Veteran's Cemetery in Caribou.

The idea for Maine's northernmost veterans cemetery was first proposed in 1998. After serious study that found overwhelming support among the community, the initial approval was given by the governor in February 1999. In the spring of that year, the Northern Maine Veterans Commemorative Cemetery Corporation was formed to oversee all aspects of the cemetery's development.

John Noble, an honorably discharged veteran himself and his wife Joyce, who also admirably supported her husband's service to our country with stalwart dedication, certainly felt a particular kinship to the development of an appropriate resting place for our national heroes. In order to ensure that the dream of so many veterans became a reality, John and Joyce Noble stepped forward to offer 33.4 acres of their own land for use by the Corporation. Their heartfelt contribution expedited the plans for the Northern Maine Veteran's Cemetery and the seeds of charitable giving had taken root, facilitating a grassroots effort that culminated in what is today a regal and honored resting place for our most deserving men and women who served this country with honor and distinction.

The Nobles' ongoing efforts inspired a can-do spirit that sparked a dedicated group of volunteers into determined action. With the cemetery facing a delay in state funding, the Nobles offered to help with the construction and maintenance of the cemetery's lands until the funds became available. Additionally, the Nobles helped make the cemetery more private and solemn by planting trees around its perimeter. When the cemetery was finally dedicated on June 1, 2003, the Nobles had left a substantial mark on this sacred place and continue to support it today.

An extraordinarily modest couple, John and Joyce Noble have made significant contributions to the appearance and well-being of Caribou. Their beautiful gesture of kindness resulted in a respectable final resting place for those who gave our Nation the fullest measure of commitment. It is their selfless spirit and magnanimous nature that have made them stand out in the Caribou community for years. I thank Mr. and Mrs. Noble for their incredible generosity, and wish them and their company, John T. Noble Trucking, much success for years to come.●

#### MESSAGE FROM THE HOUSE

At 5:01 p.m., a message from the House of Representatives, delivered by

Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 23. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

H.R. 1178. An act to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

H.R. 2020. An act to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes.

### MEASURES REFERRED

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

H.R. 23. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs.

H.R. 1178. An act to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2020. An act to amend the High-Performance Computing Act of 1991 to authorize activities for support of networking and information technology research, and for other purposes; to the Committee on Commerce, Science, and Transportation.

### 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-1552. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's 2008 report to Congress on the Transportation Infrastructure Finance and Innovation Act of 1998; to the Committee on Commerce, Science, and Transportation.

EC-1553. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Removal of T 37 Jet Trainer Aircraft and Parts from the Commerce Control List" (RIN0694-AC74) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1554. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the DTV Delay Act" (MB Docket No. 09-17) received in the Office of the President of the Senate on May 4, 2009; to the

Committee on Commerce, Science, and Transportation.

EC-1555. 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 73.202(b), Table of Allotments, FM Broadcast Stations (Oolitic and Worthington, Indiana)" (MB Docket No. 07-125) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1556. 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 73.202(b), Table of Allotments, FM Broadcast Stations (Kihei, Hawaii)" (MB Docket No. 08-217) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1557. 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 73.202(b), Table of Allotments, FM Broadcast Stations (Cuba, Illinois)" (MB Docket No. 07-175) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1558. 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 73.202(b), Table of Allotments, FM Broadcast Stations (Marquez, Texas)" (MB Docket No. 08-196) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1559. 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 (Cadillac, Michigan)" (MB Docket No. 08-252) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1560. 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 (Bryan, Texas)" (MB Docket No. 09-34) received in the Office of the President of the Senate on May 4, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1561. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Directed Fishing With Trawl Gear by American Fisheries Act Catcher Processors in Bycatch Limitation Zone 1 of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XO32) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1562. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Inseason Trip Limit Reduction for the Commercial Fishery for Golden Tilefish for the 2009 Fishing Year" (RIN0648-XO46) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1563. A communication from the Director of the Office of Sustainable Fisheries,

National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska" (RIN0648-XO30) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1564. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska" (RIN0648-XO32) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1565. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska" (RIN0648-XO73) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1566. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Gulf of Alaska; Correction" (RIN0648-AX01) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1567. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to the Pollock Trip Limit Regulations in the Gulf of Alaska" (RIN0648-AW54) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1568. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 2" (RIN0648-XO47) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1569. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2009 Georges Bank Cod Hook Sector Operations Plan and Agreement, and Allocation of Georges Bank Cod Total Allowable Catch" (RIN0648-XM11) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1570. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; 2009 Georges

Bank Cod Fixed Gear Sector Operations Plan and Agreement, and Allocation of Georges Bank Cod Total Allowable Catch" (RIN0648-XM12) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1571. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Petitions for Rulemaking" (RIN0583-AC81) received in the Office of the President of the Senate on May 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1572. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-1573. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's FY 2010 Congressional Performance Budget Request; to the Committee on Energy and Natural Resources.

EC-1574. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, a report relative to budget justification for the Board for fiscal year 2010; to the Committee on Health, Education, Labor, and Pensions.

EC-1575. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Organ-Specific Warnings; Internal Analgesic, Antipyretic, and Antirheumatic Drug Products for Over-the-Counter Human Use; Final Monograph" (RIN0910-AF36) received in the Office of the President of the Senate on May 7, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-1576. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Substances Prohibited From Use in Animal Food or Feed; Confirmation of Effective Date of Final Rule" (RIN0910-AF46) received in the Office of the President of the Senate on May 7, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-1577. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-54, "NoMA Residential Development Tax Abatement Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1578. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-55, "Practice of Occupational Therapy Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1579. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-56, "Practice of Polysomnography Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1580. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on

D.C. Act 18-57, "Practice of Professional Counseling and Addiction Counseling Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1581. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-58, "Practice of Psychology Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1582. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-59, "Practice of Dentistry Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1583. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-60, "Practice of Podiatry Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1584. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-62, "Practice of Nursing Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1585. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-61, "Massage Therapy Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1586. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-63, "Practices of Medicine and Naturopathic Medicine Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1587. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-64, "Continuation of Health Coverage Temporary Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1588. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-65, "View 14 Economic Development Temporary Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1589. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-66, "Fire Alarm Notice and Tenant Fire Safety Temporary Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1590. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-67, "Tenant Opportunity to Purchase Preservation Clarification Temporary Amendment Act of 2009" received in the Office of the President of the Senate on May 11,

2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1591. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-68, "Unemployment Compensation Extended Benefits Temporary Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1592. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-69, "Woodland Tigers Funding Clarification Temporary Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1593. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-70, "Jury and Marriage Amendment Act of 2009" received in the Office of the President of the Senate on May 11, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-1594. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report of a draft bill entitled "Federal Courts Jurisdiction and Venue Clarification Act of 2009"; to the Committee on the Judiciary.

EC-1595. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2009 Groundfish Interim Final Rule" (RIN0648-AW87) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1596. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Catch Sharing Plan; Correction" (RIN0648-AX44) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1597. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule; Effectiveness of Collection-of-Information Requirements; Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Management Measures for the Northern Mariana Islands" (RIN0648-AV28) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1598. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule for Amendment 30B to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico" (RIN0648-AV80) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1599. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Coast Groundfish; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648-AX84) received in the Office of the President of the Senate on May



11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1600. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands" (RIN0648-XO13) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1601. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XO12) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1602. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XO14) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1603. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Closure of the Eastern U.S./Canada Management Area" (RIN0648-XO25) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1604. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XO85) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

EC-1605. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Central Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XN17) received in the Office of the President of the Senate on May 11, 2009; to the Committee on Commerce, Science, and Transportation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with amendments:

S. 384. A bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act

of 1961, and for other purposes (Rept. No. 111-19).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and with an amended preamble:

S. Con. Res. 19. A concurrent resolution expressing the sense of Congress that the Shi'ite Personal Status Law in Afghanistan violates the fundamental human rights of women and should be repealed.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

\*Rhea S. Suh, of California, to be an Assistant Secretary of the Interior.

\*David B. Sandalow, of the District of Columbia, to be an Assistant Secretary of Energy (International Affairs and Domestic Policy).

\*Daniel B. Poneman, of Virginia, to be Deputy Secretary of Energy.

\*Michael L. Connor, of Maryland, to be Commissioner of Reclamation.

By Mr. KERRY for the Committee on Foreign Relations.

\*Susan Flood Burk, of Virginia, a Career Member of the Senior Executive Service, to be Special Representative of the President, with the rank of Ambassador.

\*Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State.

By Mr. HARKIN for Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

\*Margaret A. Hamburg, of the District of Columbia, to be Commissioner of Food and Drugs, Department of Health and Human Services.

\*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. STABENOW (for herself, Mr. BUNNING, Mr. BROWN, Ms. SNOWE, and Mr. FEINGOLD):

S. 1027. A bill to amend title VII of the Tariff Act of 1930 to clarify that fundamental exchange-rate misalignment by any foreign nation is actionable under United States countervailing and antidumping duty laws, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN:

S. 1028. A bill to amend the Public Health Service Act to improve the Nation's surveillance and reporting for diseases and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KERRY):

S. 1029. A bill to create a new incentive fund that will encourage States to adopt the 21st Century Skills Framework; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Ms. COLLINS):

S. 1030. A bill to amend the Internal Revenue Code of 1986 to eliminate the reduction

in the credit rate for certain facilities producing electricity from renewable resources; to the Committee on Finance.

By Mrs. BOXER:

S. 1031. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. NELSON of Nebraska):

S. 1032. A bill to provide for programs that reduce abortions, help women bear healthy children, and support new parents; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN (for himself and Mr. MCCAIN) (by request):

S. 1033. A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes; to the Committee on Armed Services.

By Ms. STABENOW (for herself, Ms. SNOWE, Mr. BENNET, Mr. KERRY, Mr. LEVIN, Mr. DURBIN, and Mr. WYDEN):

S. 1034. A bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program for covered items and services furnished by school-based health clinics; to the Committee on Finance.

By Mr. REID (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1035. A bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Environment and Public Works.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. UDALL of New Mexico:

S. Res. 148. A resolution expressing the sense of the Senate that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 197

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 197, a bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystem of cranes.

S. 243

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S.

243, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements for gross income.

S. 408

At the request of Mr. INOUE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 408, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 529

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 529, a bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of countries within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations.

S. 554

At the request of Mr. BROWN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 554, a bill to improve the safety of motorcoaches, and for other purposes.

S. 566

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 566, a bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty.

S. 608

At the request of Mr. TESTER, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 608, a bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 658

At the request of Mr. TESTER, the name of the Senator from Missouri

(Mrs. MCCASKILL) was added as a cosponsor of S. 658, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor 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. 717

At the request of Mr. INOUE, his name was added as a cosponsor of S. 717, a bill to modernize cancer research, increase access to preventative cancer services, provide cancer treatment and survivorship initiatives, and for other purposes.

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 717, *supra*.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 717, *supra*.

S. 831

At the request of Mr. KERRY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 846

At the request of Mr. DURBIN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Kansas (Mr. ROBERTS) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 878

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 878, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 897

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 897, a bill to limit Federal spending to 20 percent of GDP.

S. 908

At the request of Mr. BAYH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 918

At the request of Mr. SCHUMER, the name of the Senator from New York

(Mrs. GILLIBRAND) was added as a cosponsor of S. 918, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to add New York to the New England Fishery Management Council, and for other purposes.

S. 981

At the request of Mr. REID, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 984

At the request of Mrs. BOXER, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. RES. 140

At the request of Mr. CHAMBLISS, his name was added as a cosponsor of S. Res. 140, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. RES. 146

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of S. Res. 146, a resolution commending South Charleston, West Virginia, for celebrating its 50th annual Armed Forces Day on May 16, 2009.

AMENDMENT NO. 1058

At the request of Mr. DODD, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Michigan (Mr. LEVIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 1058 proposed to H.R. 627, 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.

AMENDMENT NO. 1064

At the request of Mr. UDALL of Colorado, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from New Mexico (Mr. UDALL), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of amendment No. 1064 intended to be proposed to H.R. 627, 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.

AMENDMENT NO. 1079

At the request of Ms. LANDRIEU, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 1079 proposed to H.R. 627, 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.

## AMENDMENT NO. 1084

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 1084 proposed to H.R. 627, 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.

## AMENDMENT NO. 1085

At the request of Mr. GREGG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 1085 proposed to H.R. 627, 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.

## AMENDMENT NO. 1089

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 1089 intended to be proposed to H.R. 627, 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.

## AMENDMENT NO. 1090

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 1090 intended to be proposed to H.R. 627, 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.

# STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1028. A bill to amend the Public Health Service Act to improve the Nation's surveillance and reporting for diseases and conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I am introducing legislation today entitled the Strengthening America's Public Health System Act of 2009.

The ongoing swine flu pandemic makes clear the necessity for a robust public health system in the U.S. This legislation is designed to strengthen epidemiology and laboratory capacity in State and local health departments and, correspondingly, national surveillance and reporting of infectious diseases and other conditions of public health importance.

Currently, many parts of the local-state-federal disease surveillance system are fragmented and paper-based, and have not fully benefited from new

technologies that could improve the completeness and timeliness of reporting. A 2007 survey found that 20 states are manually reporting diagnostic findings, albeit with a web interface, and 16 are completely paper-based. Only 2 State public health laboratories have bidirectional data flow and can both send and receive laboratory messages, the gold standard for disease reporting. The potential for new pathogen discovery, rapid electronic exchange of public health information, national bacterial and viral databases for DNA "fingerprinting" of infectious disease organisms has not been fully realized. My legislation focuses on improving electronic disease surveillance and reporting so that all state and local health departments and public health laboratories can readily and seamlessly receive, monitor, and report infectious diseases and other urgent conditions of public health importance. The bill also authorizes a process for determining a list of nationally notifiable diseases and conditions and, creates a national committee to evaluate best practices in public health surveillance.

The Strengthening America's Public Health System Act calls for the expansion of resources, renewed focus and mission, and new areas of special emphasis for several existing programs within the Centers for Disease Control and Prevention, CDC. These programs support public health capacity to identify and monitor the occurrence of infectious diseases and other conditions of public health importance; detect new and emerging infectious disease threats, including laboratory capacity to detect antimicrobial resistant infections; identify and respond to disease outbreaks; and hire and train necessary professional staff.

The outbreak of swine flu that originated in Mexico highlights the need for cooperation between the U.S. and Mexico in the surveillance, reporting and control of infectious diseases that cross the border. Clear standards, however, have not yet been established for what information should be shared and how the sharing should take place. My legislation tasks the CDC to finalize and adopt the "Guidelines for U.S.-Mexico Coordination on Epidemiological Events of Mutual Interest" so that we have a clear mechanism in place for communication with public health officials in Mexico.

This important legislation has been endorsed by the: American Association of Public Health Veterinarians, American Public Health Association, American Society for Microbiology, Association for Professionals in Infection Control & Epidemiology, Association of Public Health Laboratories, Association of Schools of Public Health, Association of State and Territorial Health Officials, Center for Infectious Disease Research and Policy, Council of State and Territorial Epidemiologists, Infectious Diseases Society of America, National Association of County and City Health Officials, National Alliance of

State and Territorial AIDS Directors, National Association of State Public Health Veterinarians, National Public Health Information Coalition, Society for Healthcare Epidemiology of America, and Trust for America's Health.

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. 1028

*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 "Strengthening America's Public Health System Act".

## SEC. 2. PURPOSES.

The purpose of the programs authorized under this Act is to strengthen public health surveillance systems and disease reporting by—

(1) delineating existing grant mechanisms at the Centers for Disease Control and Prevention designed to enhance disease surveillance and reporting by improving and modernizing capacity at the State and local level—

(A) to identify and monitor the occurrence of infectious diseases and other conditions of public health importance;

(B) to detect new and emerging infectious disease threats; and

(C) to identify and respond to disease outbreaks;

(2) expanding eligibility for grantees;

(3) increasing funding to ensure all States and jurisdictions have appropriate surveillance and reporting capacity and can provide comprehensive electronic reporting, including laboratory reporting;

(4) delineating existing applied epidemiology, laboratory science, and informatics fellowship programs designed to reduce documented workforce shortages for these essential public health professionals at the State and local level and increasing funding for these programs;

(5) expanding the Epidemic Intelligence Service;

(6) delineating a refined process for establishing a list of nationally notifiable diseases and conditions;

(7) improving binational surveillance of diseases in the United States and Mexico border region, including developing improved standards and protocols for binational epidemiology, surveillance, laboratory analyses, and control of infectious diseases between the two nations; and

(8) establishing a forum to permit review and identification of best surveillance practices with a particular focus on improving coordination of animal-human disease surveillance.

## SEC. 3. STRENGTHENING PUBLIC HEALTH SURVEILLANCE SYSTEMS.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh et seq.) is amended by adding at the end the following:

### "Subtitle C—Strengthening Public Health Surveillance Systems

#### "SEC. 2821. EPIDEMIOLOGY-LABORATORY CAPACITY GRANTS.

"(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish an Epidemiology and Laboratory Capacity Grant Program to award grants to eligible entities to assist public health agencies in improving surveillance for, and response to, infectious diseases and other conditions of public health importance by—

“(1) strengthening epidemiologic capacity;  
 “(2) enhancing laboratory practice;  
 “(3) improving information systems; and  
 “(4) developing and implementing prevention and control strategies.

“(b) **ELIGIBLE ENTITIES.**—In this section, the term ‘eligible entity’ means an entity that—

“(1) is—  
 “(A) a State health department;  
 “(B) a local health department that meets such criteria as the Director of the Centers for Diseases Control and Prevention determines for purposes of this section;  
 “(C) a tribal jurisdiction that meets such criteria as the Director of the Centers for Disease Control and Prevention determines for purposes of this section; or  
 “(D) a partnership established for purposes of this section between one or more eligible entities described in subparagraph (A), (B), or (C) and an academic center; and  
 “(2) submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(c) **USE OF FUNDS.**—  
 “(1) **IN GENERAL.**—An eligible entity shall use amounts received under a grant under this section for core functions described in this subsection including—

“(A) building public health capacity to identify and monitor the occurrence of infectious diseases and other conditions of public health importance;  
 “(B) detecting new and emerging infectious disease threats, including laboratory capacity to detect antimicrobial resistant infections;  
 “(C) identifying and responding to disease outbreaks;  
 “(D) hiring necessary staff;  
 “(E) conducting needed staff training and educational development; and  
 “(F) other activities that improve surveillance as determined by the Director of the Centers for Disease Control and Prevention.

“(2) **DEVELOPMENT AND MAINTENANCE OF INFORMATION EXCHANGE.**—  
 “(A) **NATIONAL STANDARDS.**—Not later than 180 days after the date of the enactment of this subtitle, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the National Coordinator for Health Information Technology, shall issue guidelines for public health entities that—

“(i) are designed to ensure that all State and local health departments and public health laboratories have access to information systems to receive, monitor, and report infectious diseases and other urgent conditions of public health importance; and  
 “(ii) are consistent with standards and recommendations for health information technology by the National Coordinator for Health Information Technology, and by the American Health Information Community (AHIC) and its successors.

“(B) **SECURE INFORMATION SYSTEMS.**—An eligible entity shall use amounts received through a grant under this section to ensure that the entity has access to a web-based, secure information system that complies with the guidelines developed under subparagraph (A). Such a system shall be designed—

“(i) to receive automated case reports of State and national reportable conditions from clinical systems and health care offices that use electronic health records and from clinical and public health laboratories, and to submit reports of nationally reportable conditions to the Director of the Centers for Disease Control and Prevention;  
 “(ii) to receive and analyze, within 24 hours, de-identified electronic clinical data for situational awareness and to forward such reports immediately to the Centers for

Disease Control and Prevention at the time of receipt;  
 “(iii) to manage, link, and process different types of data, including information on newly reported cases, exposed contacts, laboratory results, number of people vaccinated or given prophylactic medications, adverse events monitoring and follow-up, in an integrated outbreak management system;  
 “(iv) to geocode analyze, display, report, and map, using Geographic Information System technology, accumulated data and to share data with other local health departments, State health departments, and the Centers for Disease Control and Prevention;  
 “(v) to receive, manage, and disseminate alerts, protocols, and other information, including Health Alert Network and Epi-X information, as appropriate, for public health workers, health care providers, and public health partners in emergency response within each health department's jurisdiction and to automate the exchange and cascading of such information with external partners using national standards;  
 “(vi) to have information technology security and critical infrastructure protection as appropriate to protect public health information;  
 “(vii) to have the technical infrastructure needed to ensure availability, backup, and disaster recovery of data, application services, and communications systems during natural disasters such as floods, tornados, hurricanes, and power outages; and  
 “(viii) to provide for other capabilities as the Secretary determines appropriate.

“(C) **LABORATORY SYSTEMS.**—An eligible entity shall use amounts received under a grant under this section to ensure that State or local public health laboratories are utilizing web-based, secure systems that are in compliance with the guidelines developed by the Secretary under subparagraph (A) and that—

“(i) are fully integrated laboratory information systems;  
 “(ii) provide for the reporting of electronic test results to the appropriate local and State health departments using currently existing national format and coding standards;  
 “(iii) have information technology security and critical infrastructure protection to protect public health information (as determined by the Secretary);  
 “(iv) have the technical infrastructure needed to ensure availability, backup, and disaster recovery of data, application services, and communications systems during natural disasters including floods, tornadoes, hurricanes, and power outages; and  
 “(v) address other capabilities as the Secretary determines appropriate.

“(D) **OTHER USES.**—In addition to the activities described in subparagraphs (B) and (C), an eligible entity (including the entity's public health laboratory) may use amounts received under a grant under this section for systems development and maintenance, hiring necessary staff, and staff technical training. Grantees under this section may elect to develop their own systems or use federally developed systems in carrying out activities under this paragraph.

“(d) **PRIORITY.**—In allocating funds under subsection (f)(2) for activities under subsection (c)(2)(B) (relating to secure information systems), the Secretary shall give priority to eligible entities that demonstrate need.

“(e) **REPORTS.**—Not later than September 30, 2011, and each September 30 thereafter, the Secretary shall submit to Congress an annual report on the activities carried out under this section by recipients of assistance under this section.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$190,000,000 for each of fiscal years 2010 through 2013, of which—

“(1) not less than \$95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);  
 “(2) not less than \$60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and  
 “(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

“**SEC. 2822. FELLOWSHIP TRAINING IN APPLIED PUBLIC HEALTH EPIDEMIOLOGY, PUBLIC HEALTH LABORATORY SCIENCE, PUBLIC HEALTH INFORMATICS, AND EXPANSION OF THE EPIDEMIC INTELLIGENCE SERVICE.**

“(a) **IN GENERAL.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may carry out activities to address documented workforce shortages in State and local health departments in the critical areas of applied public health epidemiology and public health laboratory science and informatics and may expand the Epidemic Intelligence Service.

“(b) **SPECIFIC USES.**—In carrying out subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall provide for the expansion of existing fellowship programs operated through the Centers for Disease Control and Prevention in a manner that is designed to alleviate shortages of the type described in subsection (a).

“(c) **OTHER PROGRAMS.**—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may provide for the expansion of other applied epidemiology training programs that meet objectives similar to the objectives of the programs described in subsection (b).

“(d) **WORK OBLIGATION.**—Participation in fellowship training programs under this section shall be deemed to be service for purposes of satisfying work obligations stipulated in contracts under section 338I(j).

“(e) **GENERAL SUPPORT.**—Amounts may be used from grants awarded under this section to expand the Public Health Informatics Fellowship Program at the Centers for Disease Control and Prevention to better support all public health systems at all levels of government.

“(f) **AUTHORIZATIONS OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$39,500,000 for each of fiscal years 2010 through 2013, of which—

“(1) \$5,000,000 shall be made available in each such fiscal year for epidemiology fellowship training program activities under subsections (b) and (c);  
 “(2) \$5,000,000 shall be made available in each such fiscal year for laboratory fellowship training programs under subsection (b);  
 “(3) \$5,000,000 shall be made available in each such fiscal year for the Public Health Informatics Fellowship Program under subsection (e); and  
 “(4) \$24,500,000 shall be made available for expanding the Epidemic Intelligence Service under subsection (a).

“**SEC. 2823. NATIONALLY NOTIFIABLE DISEASES AND CONDITIONS.**

“(a) **IN GENERAL.**—At the request of the Council of State and Territorial Epidemiologists, the Director of the Centers for Disease Control and Prevention shall assist the Council in developing or improving a process for States to conduct surveillance and submit reports to the Director on nationally notifiable diseases and conditions.

“(b) **LIST OF NATIONALLY NOTIFIABLE DISEASES AND CONDITIONS.**—The process under subsection (a) shall include a list of nationally notifiable diseases and conditions as follows:

“(1) not less than \$95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);  
 “(2) not less than \$60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and  
 “(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

“(1) not less than \$95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);  
 “(2) not less than \$60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and  
 “(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

“(1) not less than \$95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);  
 “(2) not less than \$60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and  
 “(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

“(1) not less than \$95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);  
 “(2) not less than \$60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and  
 “(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

“(1) not less than \$95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);  
 “(2) not less than \$60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and  
 “(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

“(1) not less than \$95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);  
 “(2) not less than \$60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and  
 “(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

“(1) not less than \$95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);  
 “(2) not less than \$60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and  
 “(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

“(1) not less than \$95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);  
 “(2) not less than \$60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and  
 “(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

“(1) not less than \$95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);  
 “(2) not less than \$60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and  
 “(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

“(1) not less than \$95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);  
 “(2) not less than \$60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and  
 “(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

“(1) not less than \$95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);  
 “(2) not less than \$60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and  
 “(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

“(1) not less than \$95,000,000 shall be made available each such fiscal year for activities under subsection (c)(1);  
 “(2) not less than \$60,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(B); and  
 “(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

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 “(3) not less than \$32,000,000 shall be made available each such fiscal year for activities under subsection (c)(2)(C).

“(1) The Council of State and Territorial Epidemiologists and the Director of the Centers for Disease Control and Prevention will jointly develop—

“(A) not later than 1 year after the date of the enactment of the Strengthening America's Public Health System Act, a list of nationally notifiable diseases and conditions; and

“(B) a process for reviewing the list on an annual basis and, as appropriate, modifying the list, taking into account newly recognized diseases and conditions of public health importance and advances in diagnostic technology.

“(2) A disease or condition will be included on the list only if a majority of the States represented on the Council approve such inclusion.

“(3) The list will include standard definitions for confirmed, probable, and suspect cases for each nationally notifiable disease or condition.

“(4) The list will distinguish between—

“(A) diseases and conditions of urgent public health importance for which immediate action may be needed; and

“(B) diseases and conditions for which reporting is less urgent and mainly for the purpose of monitoring trends and evaluating public health intervention programs.

“(c) NOTIFICATIONS TO CDC.—The process under subsection (a) shall provide for reporting to the Director of the Centers for Disease Control and Prevention as follows:

“(1) For diseases and conditions described in subsection (b)(4)(A), reporting will occur—

“(A) by telephone or by using a system described in section 2821(c)(2)(B); and

“(B) within 24 hours of the State making a determination that a disease or condition meets the criteria for national reporting for that disease or condition.

“(2) For diseases and conditions described in subsection (b)(4)(B), reporting will occur—

“(A) by using a system described in section 2821(c)(2)(B); and

“(B) only if funding is sufficient for the State to conduct individual case surveillance and to have the necessary systems to support electronic reporting.

“(d) DEFINITIONS.—In this section, the term ‘nationally notifiable’, with respect to a disease or condition, means included on the list developed pursuant to subsection (b).

**“SEC. 2824. IMPROVING BINATIONAL SURVEILLANCE AND NOTIFICATION.**

“(a) FINDINGS.—The Congress finds as follows:

“(1) Nearly 1,000,000 people cross the international border between the United States and Mexico on a daily basis, and this transmobility of population presents actual cases and the potential risk of transmission of infectious diseases and disease agents between these countries.

“(2) Numerous infectious disease cases in the United States are binational in origin, thus requiring improved epidemiology, surveillance, follow-up investigations, and disease case management along the United States and Mexico border.

“(b) GUIDELINES FOR BINATIONAL COOPERATION.—Not later than 1 year after the date of the enactment of this subtitle, the Director of the Centers for Disease Control and Prevention shall—

“(1) develop an expedited review and approval process and adopt the resultant version of the ‘Guidelines for U.S.-Mexico Coordination on Epidemiological Events of Mutual Interest’, which have been developed with input from United States and Mexican State health agencies, including the Mexican Federal Health Secretariat, the United States Department of Health and Human Services, and the Centers for Disease Control and Prevention; and

“(2) use these guidelines as the basis for developing improved standards and protocols for binational epidemiology, surveillance, laboratory analyses, and control of infectious diseases between the United States and Mexico.

“(c) DEFINITION.—In this section, the term ‘binational’ refers to both sides of the United States-Mexico border, whether collectively, such as an activity or program being carried out concurrently by or in both countries, a phenomenon (for example, a disease outbreak or health emergency) affecting a population or geographic area in both countries, or a disease case that originated on one side of the border and was transmitted to the other.

**“SEC. 2825. EVALUATION OF BEST PRACTICES IN PUBLIC HEALTH SURVEILLANCE.**

“(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a committee—

“(1) to evaluate best practices in public health surveillance, including human and animal disease surveillance and environmental health monitoring of harmful exposures through air, water, soil, or other means; and

“(2) to assess systems needed for improving coordination among public health surveillance and monitoring systems.

“(b) COMPOSITION.—The committee established under subsection (a) shall be composed of—

“(1) an epidemiologist employed and designated by the Director of the Centers for Disease Control and Prevention;

“(2) an informatics specialist designated by the Director of the Centers for Disease Control and Prevention;

“(3) an epidemiologist designated by the Director of the Centers for Disease Control and Prevention to represent the National Center for Environmental Health and the Agency for Toxic Substances and Disease Registry;

“(4) a representative of an academic center or professional, scientific association designated by the American Society for Microbiology;

“(5) a food scientist designated by the Commissioner of Food and Drugs;

“(6) an individual designated by the Secretary of Agriculture from the Division of Veterinary Services;

“(7) a wildlife disease specialist designated by the Secretary of Agriculture;

“(8) an epidemiologist employed by a State and designated by the Council of State and Territorial Epidemiologists;

“(9) a public health laboratorian employed by a State and designated by the Association of Public Health Laboratories;

“(10) a public health veterinarian employed by a State and designated by the National Association of State Public Health Veterinarians;

“(11) a laboratorian designated by the American Association of Veterinary Laboratory Diagnosticians;

“(12) a State health official designated by the Association of State and Territorial Health Officials;

“(13) a local health official designated by the National Association of County and City Health Officials;

“(14) an environmental health scientist employed and designated by the Administrator of the Environmental Protection Agency; and

“(15) a representative with expertise in the Department of Veterans Affairs' disease monitoring systems.

“(c) FUNCTIONS.—The committee established under subsection (a) shall—

“(1) review innovative approaches adopted by State and local agencies to improve disease detection;

“(2) evaluate best practices in public health surveillance;

“(3) develop model data sharing agreements among local, State, and Federal health agencies;

“(4) assess systems needed for coordinated animal and human disease surveillance and develop recommendations for the improvement of such surveillance; and

“(5) disseminate findings and recommendations to relevant local, State and Federal agencies.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$750,000 for each of fiscal years 2010 through 2011.”

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, and Mr. KERRY):

S. 1029. A bill to create a new incentive fund that will encourage States to adopt the 21st Century Skills Framework; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today, along with my colleague Senator SNOWE of Maine and Senator KERRY of Massachusetts, I am introducing legislation to provide incentives for States to adopt the 21st Century Skills Framework. I take this step because the knowledge base and skills set that most students learn in school should expand to provide students with the skills like critical thinking and problem solving, needed to succeed in modern workplaces and communities. Increasingly, these settings are no longer defined by conventional boundaries such as time, distance, language, and culture. Moreover, rigorous higher education coursework, career challenges, and a globally competitive workforce—all demand that America's schools align their classroom environments with real world environments by infusing 21st century skills into their learning and teaching.

What are those skills? The framework describes essential attributes of learning that America's children need in order to succeed as citizens and workers in the 21st century. These include mastery in the core subjects of English, reading, mathematics, science, foreign languages, civics, Government, economics, art, history, and geography. This bill does not ignore core curriculum, but it seeks to add skills and new awareness to this basic knowledge. Today's students need preparation to put their education in context including a sense of global awareness; financial, economic, business and entrepreneurial literacy; civic literacy; and health and wellness awareness that complements the traditional core subjects. Given the fast pace of our workplace and culture, our students need the ability to engage in life-long learning that ensures adaptability in the face of rapidly changing work environments brought on by new scientific, technological, and social developments. Plus, students need to be able to use information and communications technology both to learn core

academic subjects and to gain 21st century content knowledge and abilities.

The 21st Century Skills Framework also identifies the critical role teachers must play in bringing life skills into their classrooms—skills that include leadership, ethics, accountability, adaptability, personal productivity, personal responsibility, self-direction, and social responsibility. West Virginia is working to include this model in their classrooms, and I have watched how this model enhances the engagement of students.

In today's global, knowledge-based economy these 21st Century skills form the lifeblood of a productive workforce particularly in scientific, engineering, and other advanced technological sectors. If the U.S. is to exercise continued economic leadership internationally we must enable strong partnerships to form among educators, administrators, policy makers, and the business community so that they may work collectively to better prepare our students for the realities of the 21st century.

This initiative began in 2002 with funding from the U.S. Department of Education to support innovative education reforms. The partnership was a collaboration of educators and businesses, particularly high-tech business that did surveys and meetings to discuss the real skills that students need to learn to succeed. It clearly builds on the core subjects, but it adds the skills and awareness that are essential to the workplace.

The purpose of the 21st Century Skills Incentive Fund Act is to offer competitive grants from in the Department of Education for States willing to invest in education reform. To qualify, States need to have a plan for implementations of the 21st Century Skills Framework. It also calls an assessment of progress towards the four student learning priorities and evaluation.

Ten States have also already taken steps to implement the 21st Century Skills initiative, including Arizona, Iowa, Kansas, Maine, Massachusetts, New Jersey, North Carolina, South Dakota, West Virginia, and Wisconsin. Such States that are willing and eager to engage in such reforms deserve the chance to compete for incentives.

In my own State of West Virginia and in the other committed States, education leaders report enthusiasm for reforms.

Although the economic downturn has current challenges for new investment in education, waiting for a better time to engage in reform would be unwise. Today's sixth grade class, will be entering the work force in 2015, after high school or 2019 after college, they need to be prepared. The 21st Century Skills Incentive Act makes attention to this imperative a national priority.

By Mrs. LINCOLN (for herself and Ms. COLLINS):

S. 1030. A bill to amend the Internal Revenue Code of 1986 to eliminate the

reduction in the credit rate for certain facilities producing electricity from renewable resources; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I have come to my colleagues today, having come down to the floor last week, when I came to the Senate floor to announce a new plan to give working families and businesses the tools they need to succeed during this current economic crisis we are in. I come today also to add to my Arkansas plan a package of tax cuts and Tax Code simplification measures designed to move Arkansas and our State's hard-working families forward. Together, these tax measures will allow working families and small businesses to get ahead and emerge from the economic crisis stronger and more competitive.

We have a lot of small businesses, hard-working families down in Arkansas; entrepreneurs who unfortunately feel as though during this crisis they are not getting much out of Washington. We want to change that attitude. We want to make sure they are getting our support and that we as the Government are creating an atmosphere and an environment where they can be successful.

We are also going to encourage innovation and entrepreneurship to create new jobs and lessen our dependence on foreign oil and reduce the burden on working families and small businesses by simplifying our Tax Code. It is way too complicated these days. We have created too much of a complicated code that people can't use it for its intended purposes, and that is, obviously, to encourage good, healthy businesses to thrive and to be competitive.

Last week, I introduced a number of legislative measures that will allow working families and small businesses to emerge from the economic crisis stronger and more competitive than before. This week, my Arkansas plan focuses on encouraging innovation and entrepreneurship to create new jobs here at home and lessen our dependence on foreign oil. All of us want to be able to be more independent. We want to make sure we are creating jobs here, but we also want to know that, globally, we are more independent as a country and that we are not seeing that dependence on imported oil coming from other places.

Yesterday, I introduced the USA Jobs Act of 2009, which offers a new research and development bonus incentive to companies that both research and manufacture their products in the United States. Before, in the stimulus package, we extended the research and development tax credit to encourage more research and development of new ideas and new products, new methodologies so we could create jobs from those. We also need to make sure we are not sending those new ideas and that new research somewhere else on the globe to be able to be produced or manufactured. We want to incentivize that it stays right here at home.

Our Nation faces record unemployment, with more than 540,000 Americans put out of work last month alone and 90,000 job losses in Arkansas. It is more important now than ever before that we encourage the creation and preservation of American jobs. My bill provides a new job tax credit for manufacturers that do a substantial portion of their research and manufacturing right here at home in the United States. This new tax credit will encourage greater domestic production, which would, in turn, lead to the creation of more American jobs.

Today, I am focused on a series of alternative energy and conservation proposals as well. My first bill provides an even playing field for all renewable energy production. The Federal Tax Code currently offers an income tax credit for the production of electricity produced from renewable energy resources, but not all resources are treated the same. Under current law, some energy resources receive a higher level credit than others, and as a result, certain new renewable energy technologies have a more difficult time finding the necessary investment capital they need to start that process of investing in new technology and getting it to the marketplace in a reasonable way so it is cost-effective.

These are critical ideas that exist out there. We need to make sure everybody is at the table. When we look at renewable energy, we see that there are a multitude of great ideas out there, but getting those ideas to the table and then out into the marketplace is a critical part of that journey. If we don't make sure everyone has that same benefit with their ideas and technologies and being able to get out there, if it is not a fair playing field, then we are going to lose multiple opportunities.

I hope we will look forward and not backward in terms of how we are incentivizing this renewable energy. So much of what we see in terms of complications or challenges small businesses face in finding investment capital is particularly problematic with the pursuit of renewable energy opportunities in my home State of Arkansas, where biomass is a predominant renewable resource but only gets half the tax credit that many other resources receive.

That is ridiculous. We have a tremendous resource right here and available to us—not just in Arkansas but in many States in our country. It can play a tremendous role in lifting our dependence on foreign oil and finding renewable sources of energy.

My proposal would level the playing field for all energy resources by increasing the value of the credit to a full credit level for those resources that currently receive only a partial credit. It certainly makes sense not only in the sense that there are certain resources that exist today that are moving forward in their technology, but there are also resources down the road. It is amazing to me to see what



scientists are doing, even with things like algae, to be able to produce oil, and looking at how we can use our agricultural byproducts—a host of things, any of that woody biomass that we can begin to put to good use in making energy and be less dependent on imported oil.

Also, I am introducing legislation today that provides long-term certainty for producers and consumers of biofuels. Currently, the U.S. Tax Code includes credits to encourage the production of biodiesel and renewable diesel, which are proven alternative fuels that will help us lessen our dependence on foreign oil. Every barrel of biofuel that we produce is a barrel of imported oil we would not have to import. These incentives have been extended on a short-term basis in recent years and are scheduled to expire at the end of this year.

When we see all of these great ideas and we see people who are willing to invest their capital and their time and energy and resources into moving these industries to the marketplace, and in a reasonable, cost-effective way they can then integrate it into the marketplace, it takes resources. But it takes predictability in our Tax Code as well, knowing they are going to be able to depend on a certain tax treatment over a certain period of time that allows them to access that capital in the capital market.

If these credits were allowed to expire, these new technologies in renewable fuels would be priced significantly higher than petroleum diesel and, as a result, would not be competitive in the fuels marketplace. Biofuel producers and consumers in our State need the certainty that these economic incentives provide and help to sustain this new market.

We cannot move forward in changing our mindset and our marketplace from an old energy economy to a new one if we don't embrace the idea that we have to produce some predictability for these new emerging industries and fuels in a way they can—particularly in these difficult economic times—access the capital they need to move forward with the ideas and development and the production of all of these great new ideas that exist out there.

My proposal would provide a 10-year extension of the credits through 2018 to provide a stable environment for the creation of a strong domestic biofuels industry.

I want to highlight a bill I introduced a few weeks ago with Senators ROBERTS, SNOWE, CANTWELL, and COLLINS that would allow electricity from biomass produced onsite to qualify for the section 45 renewable electricity production tax credit.

According to the American Forest and Paper Association, in 2005, the industry produced 28.5 million megawatt hours of biomass-based electricity, which avoided the use of more than 200 million barrels of oil. There it is, plain and simple—what we can be doing with

an industry that has available to them—the biomass—from byproducts and from other woody products that are there, which may be discarded or unusable—to be able to produce electricity from a renewable source.

The use of biomass electricity, whether produced onsite or purchased from a utility, has the same positive impact of reducing fossil fuel consumption and should be encouraged. That is exactly what we want to do. We want to encourage these types of activities and what we can do in terms of creating new and innovative ideas with renewable energy.

Later this week I plan to introduce a bill to also encourage workforce training and development. Together, I think these bills will create jobs at home. They will help strengthen our economy and reduce our dependence on foreign oil. These are all priorities I think each one of the Members of this body seek to achieve. I, for one, decided to put together a plan that I think is particularly good for my State, with a series of different types of bills that I am introducing—last week, this week, and next week—in a way that I think can be productive for my State. I think most Senators will find that these are tools that will be just as effective for their States as well. I encourage them to take a look at what we are doing.

Next week, I will complete the roll-out of our Arkansas plan by introducing reform measures to simplify the Tax Code and reduce the burden on Americans, and particularly Arkansas's working families and businesses by working to build a tax structure that is fair and equitable for all Americans.

Again, I encourage my colleagues to take a look at these commonsense measures to see how they will benefit their own constituents. I work hard in the Senate to be pragmatic and look for solutions that are good for everybody and, more important, that are focused on the issues that are important to us as a country, like getting our economy back on track, making sure Americans can keep jobs, and for those who have lost jobs, we can put back to work, with the new ideas that we know Americans are so very capable of.

We must make our Nation's working families and our small businesses a top priority. The Arkansas plan does just that. I will continue to fight to bring our families the relief they need and our business owners the tools they require to invest and grow and be competitive in the global marketplace that we have been begging so longingly for over the years. We need to make sure Government is going to create that environment where they can do just that—invest, grow, and be competitive.

By Mrs. BOXER:

S. 1031. A bill to amend the Public Health Service Act to establish direct care registered nurse-to-patient staffing ratio requirements in hospitals, and for other purposes; to the Com-

mittee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, as we mark the end of National Nurses Week, I want to express my heartfelt appreciation to the dedicated professionals who serve on the front lines of our health care system. Nurses are heroes—not just to their patients, but to the families and loved ones who rely on their compassion and care.

While we celebrate nurses this week, we must also acknowledge that too many nurses are overworked because of staffing levels that are simply inadequate.

Nurses treat patients not just in hospitals or emergency rooms but in homes, schools, community health centers and more. Nurses take on a lot of different duties and roles, but they all have at least one thing in common—they are all on the front lines of providing care to patients.

For decades nurses have been telling us that there are not enough of them, especially in hospitals. Study after study has been done—we know there is a nationwide nursing shortage.

By 2020, it is estimated that the demand for full time nurses will exceed supply by 1 million nurses.

This is unacceptable. We must address a problem that affects the quality of care that patients receive and drives too many nurses away from the hospital bedside.

That is why I am introducing the National Nursing Reform and Patient Advocacy Act, which will not only help address the nationwide shortage of skilled nurses, it will improve the quality of health care for all Americans.

The National Nursing Reform and Patient Advocacy Act champions nursing rights, nursing ratios, and nursing reform.

Specifically, this bill protects the rights of nurses to speak out for their patients and to speak out for themselves, without the fear of discrimination or retaliation, because if there is a problem in a hospital nurses should be able to talk about it.

This bill sets minimum nurse to patient ratios, because you cannot give patients high quality care without giving nurses the time to provide it. It offers transparency in the process of establishing staffing plans in hospitals and puts forward the tools to report inadequate staffing or care.

This bill reforms the role of hospitals not just in retaining nurses but also in training nurses. It creates a Registered Nurse Workforce Initiative that invests in the education of nurses and nursing faculty, because we will need many more nurses to meet the needs of our Nation—especially after we expand access to health care.

President Obama has made improving patient safety and quality care one of the cornerstones of the health care reform effort. You can't have high quality health care without a high quality nurse workforce to provide it.

Ten years ago, nurses in California fought and won a major battle for their

patients and for themselves—and the results were minimum nurse to patient ratios in California hospitals.

I am proud to bring this fight to Washington, DC and to pursue federal legislation that would extend these rights, ratios and reforms to nurses in hospitals across the country.

Reports on California ratios have only begun to show what all of the nurses in this room already know—that setting a minimum standard for safe staffing can be the difference between life and death of patients.

A 2002 study found that for every patient added to a nurse's workload there is a seven percent increase in the chance of death following common surgeries.

In California, the hospitals that have seen the greatest effect in reduced mortality were the ones that started with the worst staffing ratios.

We also know that hospitals are losing good nurses because of these staffing shortages. A poll of nurses nationwide found that almost half of the nurses who plan to quit their job say that inadequate staffing is the reason they are leaving. The cost of replacing these valuable workers has been estimated at \$25,000 to \$60,000 per nurse.

Too many nurses get burned out by being overloaded with too many patients. Too many nurses have given up on serving in hospitals because the hospitals have given up on providing a better environment for both nurses and patients.

We need to remind hospitals that by investing more in their nursing staff, they will save money by avoiding costly medical mistakes and providing better care for their patients—and most importantly, they will save lives.

I strongly believe that health care reform cannot succeed unless we invest in our health care workforce. At 2.9 million strong, nurses are the largest health care workforce in our country, and this investment is long overdue.

My new legislation builds on the success of California's historic law for registered nurse staffing ratios. Under the California ratios law, lives are being saved, nurses' ability to be effective advocates for their patients is stronger and more registered nurses are entering the workforce and staying at the bedside longer—which is easing the State's nursing shortage.

Nurses are not just the face of the movement to improve health care in our country, they are the face of health care in our country. This bill is for them and the patients they so faithfully serve.

By Mr. LEVIN (for himself and Mr. MCCAIN) (by request):

S. 1033. A bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes; to the Committee on Armed Services.

Mr. LEVIN. Mr. President, Senator MCCAIN and I are today introducing, by

request, the administration's proposed National Defense Authorization Act for fiscal year 2010. As is the case with any bill that is introduced by request, we introduce this bill for the purpose of placing the administration's proposals before Congress and the public without expressing our own views on the substance of these proposals. As chairman and ranking member of the Armed Services Committee, we look forward to giving the administration's requested legislation our most careful review and thoughtful consideration.

By Mr. REID (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. 1035. A bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Environment and Public Works.

Mr. REID. 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. 1035

*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 "Drinking Water Adaptation, Technology, Education, and Research (WATER) Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) the consensus among climate scientists is overwhelming that climate change is occurring more rapidly than can be attributed to natural causes, and that significant impacts to the water supply are already occurring;

(2) among the first and most critical of those impacts will be change to patterns of precipitation around the world, which will affect water availability for the most basic drinking water and domestic water needs of populations in many areas of the United States;

(3) drinking water utilities throughout the United States, as well as those in Europe, Australia, and Asia, are concerned that extended changes in precipitation will lead to extended droughts;

(4) supplying water is highly energy-intensive and will become more so as climate change forces more utilities to turn to alternative supplies;

(5) energy production consumes a significant percentage of the fresh water resources of the United States;

(6) since 2003, the drinking water industry of the United States has sponsored, through a nonprofit water research foundation, various studies to assess the impacts of climate change on drinking water supplies;

(7) those studies demonstrate the need for a comprehensive program of research into the full range of impacts on drinking water utilities, including impacts on water supplies, facilities, and customers;

(8) that nonprofit water research foundation is also coordinating internationally with other drinking water utilities on shared research projects and has hosted international workshops with counterpart European and Asian water research organizations to develop a unified research agenda for applied research on adaptive strategies to address climate change impacts;

(9) research data in existence as of the date of enactment of this Act—

(A) summarize the best available scientific evidence on climate change;

(B) identify the implications of climate change for the water cycle and the availability and quality of water resources; and

(C) provide general guidance on planning and adaptation strategies for water utilities; and

(10) given uncertainties about specific climate changes in particular areas, drinking water utilities need to prepare for a wider range of likely possibilities in managing and delivery of water.

#### SEC. 3. RESEARCH ON THE EFFECTS OF CLIMATE CHANGE ON DRINKING WATER UTILITIES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of the Interior, shall establish and provide funding for a program of directed and applied research, to be conducted through a nonprofit drinking water research foundation and sponsored by water utilities, to assist the utilities in adapting to the effects of climate change.

(b) RESEARCH AREAS.—The research conducted in accordance with subsection (a) shall include research into—

(1) water quality impacts and solutions, including research—

(A) to address probable impacts on raw water quality resulting from—

(i) erosion and turbidity from extreme precipitation events;

(ii) watershed vegetation changes; and

(iii) increasing ranges of pathogens, algae, and nuisance organisms resulting from warmer temperatures; and

(B) on mitigating increasing damage to watersheds and water quality by evaluating extreme events, such as wildfires and hurricanes, to learn and develop management approaches to mitigate—

(i) permanent watershed damage;

(ii) quality and yield impacts on source waters; and

(iii) increased costs of water treatment;

(2) impacts on groundwater supplies from carbon sequestration, including research to evaluate potential water quality consequences of carbon sequestration in various regional aquifers, soil conditions, and mineral deposits;

(3) water quantity impacts and solutions, including research—

(A) to evaluate climate change impacts on water resources throughout hydrological basins of the United States;

(B) to improve the accuracy and resolution of climate change models at a regional level;

(C) to identify and explore options for increasing conjunctive use of aboveground and underground storage of water; and

(D) to optimize operation of existing and new reservoirs in diminished and erratic periods of precipitation and runoff;

(4) infrastructure impacts and solutions for water treatment and wastewater treatment facilities and underground pipelines, including research—

(A) to evaluate and mitigate the impacts of sea level rise on—

(i) near-shore facilities;

(ii) soil drying and subsidence;

(iii) reduced flows in water and wastewater pipelines; and

(iv) extreme flows in wastewater systems; and

(B) on ways of increasing the resilience of existing infrastructure, planning cost-effective responses to adapt to climate change, and developing new design standards for future infrastructure that include the use of energy conservation measures and renewable

energy in new construction to the maximum extent practicable;

(5) desalination, water reuse, and alternative supply technologies, including research—

(A) to improve and optimize existing membrane technologies, and to identify and develop breakthrough technologies, to enable the use of seawater, brackish groundwater, treated wastewater, and other impaired sources;

(B) into new sources of water through more cost-effective water treatment practices in recycling and desalination; and

(C) to improve technologies for use in—

(i) managing and minimizing the volume of desalination and reuse concentrate streams; and

(ii) minimizing the environmental impacts of seawater intake at desalination facilities;

(6) energy efficiency and greenhouse gas minimization, including research—

(A) on optimizing the energy efficiency of water supply and wastewater operations and improving water efficiency in energy production and management; and

(B) to identify and develop renewable, carbon-neutral energy options for the water supply and wastewater industry;

(7) regional and hydrological basin cooperative water management solutions, including research into—

(A) institutional mechanisms for greater regional cooperation and use of water exchanges, banking, and transfers; and

(B) the economic benefits of sharing risks of shortage across wider areas;

(8) utility management, decision support systems, and water management models, including research—

(A) into improved decision support systems and modeling tools for use by water utility managers to assist with increased water supply uncertainty and adaptation strategies posed by climate change;

(B) to provide financial tools, including new rate structures, to manage financial resources and investments, because increased conservation practices may diminish revenue and increase investments in infrastructure; and

(C) to develop improved systems and models for use in evaluating—

(i) successful alternative methods for conservation and demand management; and

(ii) climate change impacts on groundwater resources;

(9) reducing greenhouse gas emissions and improving energy demand management, including research to improve energy efficiency in water collection, production, transmission, treatment, distribution, and disposal to provide more sustainability and means to assist drinking water utilities in reducing the production of greenhouse gas emissions in the collection, production, transmission, treatment, distribution, and disposal of drinking water;

(10) water conservation and demand management, including research—

(A) to develop strategic approaches to water demand management that offer the lowest-cost, noninfrastructural options to serve growing populations or manage declining supplies, primarily through—

(i) efficiencies in water use and reallocation of the saved water;

(ii) demand management tools;

(iii) economic incentives; and

(iv) water-saving technologies; and

(B) into efficiencies in water management through integrated water resource management that incorporates—

(i) supply-side and demand-side processes;

(ii) continuous adaptive management; and

(iii) the inclusion of stakeholders in decisionmaking processes; and

(11) communications, education, and public acceptance, including research—

(A) into improved strategies and approaches for communicating with customers, decisionmakers, and other stakeholders about the implications of climate change on water supply and water management;

(B) to develop effective communication approaches—

(i) to gain public acceptance of alternative water supplies and new policies and practices, including conservation and demand management; and

(ii) to gain public recognition and acceptance of increased costs; and

(C) to create and maintain a clearinghouse of climate change information for water utilities, academic researchers, stakeholders, government agencies, and research organizations.

(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2010 through 2020.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 148—EXPRESSING THE SENSE OF THE SENATE THAT THERE IS A CRITICAL NEED TO INCREASE RESEARCH, AWARENESS, AND EDUCATION ABOUT CEREBRAL CAVERNOUS MALFORMATIONS

Mr. UDALL of New Mexico submitted the following resolution; which was considered and agreed to:

S. RES. 148

Whereas cerebral cavernous malformation (in this resolution referred to as “CCM”), or cavernous angioma, is a devastating blood vessel disease that has enormous consequences for people affected and their families;

Whereas cavernous angiomas are malformations in the brain that cannot be detected easily, except through very specific medical imaging scans;

Whereas people with CCM are rarely aware that they have the disease, which makes taking blood thinners or aspirin risky;

Whereas, according to the Angioma Alliance, in the general population, 1 in approximately 200 people has CCM;

Whereas, according to the Angioma Alliance, more than ½ of the people with CCM experience symptoms at some point in their lives;

Whereas, according to the Angioma Alliance, there is a hereditary form of CCM, caused by a mutation or deletion on any 1 of 3 genes, that is characterized by multiple cavernous malformations;

Whereas, according to the Angioma Alliance, each child born to parents with the hereditary form of CCM has a 50 percent chance of having CCM;

Whereas, according to the Angioma Alliance, a specific genetic mutation of CCM called the “common Hispanic mutation”, which has been traced to the original Spanish settlers of the Americas in the 1590’s, has now spread across at least 17 generations of families;

Whereas while CCM is more prevalent in certain States, families throughout the United States are at risk;

Whereas a person with CCM could go undiagnosed until sudden death, seizure, or stroke;

Whereas there is a shortage of physicians who are familiar with CCM, making it difficult for people with CCM to receive timely diagnosis and appropriate care;

Whereas the shortage of such physicians has a disproportionate impact on thousands of Hispanics across the United States;

Whereas CCM has not been studied sufficiently by the National Institutes of Health and others;

Whereas there is a need to expeditiously initiate pilot studies to research the use of medications to treat CCM; and

Whereas medications that treat CCM will enable preventive treatment that reduces the risk of hemorrhage in those who have been diagnosed, thereby saving lives and dramatically reducing healthcare costs: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1092. Mr. LEVIN (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table.

SA 1093. Mr. LEVIN (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1094. Mr. LEVIN (for himself, Mrs. McCASKILL, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1095. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1096. Mr. LEVIN (for himself, Ms. COLLINS, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1097. Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1098. Mr. UDALL, of New Mexico submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1099. Mrs. FEINSTEIN (for herself, Mr. CORKER, Mr. CASEY, Mr. GRASSLEY, Mr. KERRY, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1100. Mr. DURBIN (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1101. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1102. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD

(for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1103. Mr. UDALL, of Colorado (for himself, Mr. LEVIN, Mr. LIEBERMAN, Mr. UDALL, of New Mexico, Mrs. GILLIBRAND, Mr. BURRIS, and Mrs. HAGAN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1104. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1084 submitted by Mrs. GILLIBRAND to the amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1105. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1106. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1107. Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BURRIS) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra.

SA 1108. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1109. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1110. Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 1092.** Mr. LEVIN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, strike "9 months" and insert "6 months".

**SA 1093.** Mr. LEVIN (for himself and Mrs. MCCASKILL) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, lines 20 and 21, after "creditor," insert the following:

"(m) NO INTEREST CHARGES ON FEES.—With respect to a credit card account under an

open end consumer credit plan, if the creditor imposes a transaction fee on the obligor, including a cash advance fee, late fee, over-the-limit fee, or balance transfer fee, the creditor may not impose or collect interest with respect to such fee amount."

**SA 1094.** Mr. LEVIN (for himself, Mrs. MCCASKILL, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ STRENGTHEN CREDIT CARD INFORMATION COLLECTION.

Section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)) is amended—

(1) in paragraph (1)—

(A) by striking "The Board shall" and inserting the following:

"(A) IN GENERAL.—The Board shall";

(2) by adding at the end the following:

"(B) INFORMATION TO BE INCLUDED.—The information under subparagraph (A) shall include, for the relevant semiannual period, the following information—

"(i) a list of each type of transaction or event during the semiannual period for which one or more card issuer has imposed a separate interest rate upon a cardholder, including purchases, cash advances, and balance transfers;

"(ii) for each type of transaction or event identified under clause (i)—

"(I) each distinct interest rate charged by the card issuer to a cardholder during the semiannual period; and

"(II) the number of cardholders to whom each such interest rate was applied during the last calendar month of the semiannual period, and the total amount of interest charged to such cardholders at each such rate during such month;

"(iii) a list of each type of fee that one or more card issuer has imposed upon a cardholder during the semiannual period, including any fee imposed for obtaining a cash advance, making a late payment, exceeding the credit limit on an account, making a balance transfer, or exchanging United States dollars for foreign currency;

"(iv) for each type of fee identified under clause (iii), the number of cardholders upon whom the fee was imposed during each calendar month of the semiannual period, and the total amount of fees imposed upon cardholders during such month;

"(v) the total number of cardholders that incurred any interest charge or any fee during the semiannual period; and

"(vi) any other information related to interest rates, fees, or other charges that the Board deems of interest."; and

(3) by adding at the end the following:

"(5) REPORT TO CONGRESS.—The Board shall, on an annual basis, transmit to Congress and make public a report containing an assessment by the Board of the profitability of credit card operations of depository institutions. Such report shall include estimates by the Board of the approximate, relative percentage of income derived by such operations from—

"(A) the imposition of interest rates on cardholders, including separate estimates for—

"(i) interest with an annual percentage rate of less than 25 percent, and

"(ii) interest with an annual percentage rate equal to or greater than 25 percent;

"(B) the imposition of fees on cardholders; and

"(C) the imposition of fees on merchants, and

"(D) any other material source of income, while specifying the nature of that income."

**SA 1095.** Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 12, after "transaction," insert the following:

"(7) RESTRICTION ON FEES CHARGED FOR AN OVER-THE-LIMIT TRANSACTION.—With respect to a credit card account under an open end consumer credit plan, an over-the-limit fee may be imposed only once during a billing cycle if, on the last day of such billing cycle, the credit limit on the account is exceeded, and an over-the-limit fee, with respect to such excess credit, may be imposed only once in each of the 2 subsequent billing cycles, unless the consumer has obtained an additional extension of credit in excess of such credit limit during any such subsequent cycle or the consumer reduces the outstanding balance below the credit limit as of the end of such billing cycle."

**SA 1096.** Mr. LEVIN (for himself, Ms. COLLINS, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, between lines 9 and 10, insert the following:

#### SEC. 205. PREVENTION OF DECEPTIVE MARKETING OF CREDIT REPORTS.

Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by inserting after subsection (f) the following:

"(g) PREVENTION OF DECEPTIVE MARKETING OF CREDIT REPORTS.—

"(1) IN GENERAL.—Any entity advertising free credit reports in any medium must prominently disclose in each such advertisement that—

"(A) the Fair Credit Reporting Act guarantees a consumer access to a free credit report from each of the three nationwide reporting agencies once every twelve months; and

"(B) AnnualCreditReport.com is the only authorized source for a consumer to get a free annual credit report under Federal law.

"(2) TELEVISION ADVERTISEMENTS.—In the case of an advertisement broadcast by television, the disclosures required under paragraph (1) shall be included in the audio or the audio and visual part of such advertisement."

**SA 1097.** Mr. LEVIN submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end

consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following new section:

**SEC. 503. STATUTE OF LIMITATIONS FOR DEBT COLLECTION.**

(a) RULES ON STATUTE OF LIMITATIONS.—

(1) PROPOSED RULE.—Not later than 1 year after the date of enactment of this Act, the Chairman of the Federal Trade Commission, in consultation with the Federal banking regulators, shall publish a proposed rule in the Federal Register establishing a statute of limitations for the collection of debt associated with a credit card account under an open end credit plan after the account has been closed by the creditor or the cardholder (or the representative thereof).

(2) FINAL RULE.—Not later than 18 months after the date of enactment of this Act, the Chairman of the Federal Trade Commission shall publish a final rule in the Federal Register on the matter described in paragraph (1).

(b) CONTENTS.—The proposed and final rules issued under subsection (a) shall, at a minimum—

(1) establish a statute of limitations for—

(A) the collection of funds from a cardholder responsible for a closed credit card account described in subsection (a);

(B) filing suit in a Federal, State, or local court to collect debt associated with such a closed credit card account; and

(C) enforcing a court judgment to collect debt associated with such a closed credit card account; and

(2) establish when the statute of limitations on debt associated with a closed credit card account described in subsection (a) begins to run and, for purposes of court proceedings, which party has the burden of proof to show whether the statute of limitations has expired.

(c) APPLICABILITY.—The final rule issued under this section shall limit the right of any creditor to collect, sell, or transfer debt associated with a credit card account under an open end consumer credit plan after the account has been closed by the creditor or the cardholder (or the representative thereof).

(d) DEFINITIONS.—For purposes of this section—

(1) the terms “credit card”, “cardholder”, and “open end credit plan” have the same meanings as in section 103 of the Truth in Lending Act (15 U.S.C. 1602);

(2) the term “creditor” includes—

(A) a creditor, as that term is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602); and

(B) a debt collector, as that term is defined in section 803 of the Fair Debt Collection Practices Act (15 U.S.C. 1692a), whether or not such person is the original creditor with respect to the subject obligation; and

(3) the term “Federal banking regulators” means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, and the National Credit Union Administration.

**SA 1098.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. 503. ENHANCED DISCLOSURE OF ATM FEES.**

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

“(13) The information required to be disclosed under section 904(d)(3) with respect to automated teller machines operated by or on behalf of the creditor, including all fees associated with such transactions, both in and out of network, listed in a conspicuous location on the billing statement.”.

**SA 1099.** Mrs. FEINSTEIN (for herself, Mr. CORKER, Mr. CASEY, Mr. GRASSLEY, Mr. KERRY, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

**SEC. 304. PRIVACY PROTECTIONS FOR COLLEGE STUDENTS.**

Section 140 of the Truth in Lending Act (15 U.S.C. 1650) is amended by adding at the end the following:

“(f) CREDIT CARD PROTECTIONS FOR COLLEGE STUDENTS.—

“(1) DISCLOSURE REQUIRED.—A covered educational institution shall publicly disclose any contract or other agreement made with a card issuer or creditor for the purpose of marketing a credit card.

“(2) GIFTS PROHIBITED.—No card issuer or creditor may offer any gift or other item to a student of a covered educational institution to induce such student to apply for or participate in an open end credit plan offered by such card issuer or creditor.

“(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that each covered educational institution should consider adopting the following policies relating to credit cards:

“(A) That any card issuer that markets a credit card on the campus of such institution notify the administration of such institution of the location at which such marketing will take place.

“(B) That the number of locations on the campus of such institution at which the marketing of credit cards takes place be limited.

“(C) That credit card and debt education and counseling sessions be offered as a regular part of any orientation program for new students of such institution.”.

**SEC. 305. COLLEGE CREDIT CARD AGREEMENTS.**

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as otherwise amended by this Act, is amended by adding at the end the following:

“(q) COLLEGE CARD AGREEMENTS.—

“(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

“(A) COLLEGE AFFINITY CARD.—The term ‘college affinity card’ means a credit card issued by a credit card issuer under an open end consumer credit plan in conjunction with an agreement between the issuer and an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, under which such cards are issued to college students who have an affinity with such institution, organization and—

“(i) the creditor has agreed to donate a portion of the proceeds of the credit card to the institution, organization, or foundation (including a lump sum or 1-time payment of money for access);

“(ii) the creditor has agreed to offer discounted terms to the consumer; or

“(iii) the credit card bears the name, emblem, mascot, or logo of such institution, organization, or foundation, or other words, pictures, or symbols readily identified with such institution, organization, or foundation.

“(B) COLLEGE STUDENT CREDIT CARD ACCOUNT.—The term ‘college student credit card account’ means a credit card account under an open end consumer credit plan established or maintained for or on behalf of any college student.

“(C) COLLEGE STUDENT.—The term ‘college student’ means an individual who is a full-time or a part-time student attending an institution of higher education.

“(D) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the same meaning as in section 101 and 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

“(2) REPORTS BY CREDITORS.—

“(A) IN GENERAL.—Each creditor shall submit an annual report to the Board containing the terms and conditions of all business, marketing, and promotional agreements and college affinity card agreements with an institution of higher education, or an alumni organization or foundation affiliated with or related to such institution, with respect to any college student credit card issued to a college student at such institution.

“(B) DETAILS OF REPORT.—The information required to be reported under subparagraph (A) includes—

“(i) any memorandum of understanding between or among a creditor, an institution of higher education, an alumni association, or foundation that directly or indirectly relates to any aspect of any agreement referred to in such subparagraph or controls or directs any obligations or distribution of benefits between or among any such entities;

“(ii) the amount payments from the creditor to the institution, organization, or foundation during the period covered by the report, and the precise terms of any agreement under which such amounts are determined; and

“(iii) the number of credit card accounts covered by any such agreement that were opened during the period covered by the report and the total number of credit card accounts covered by the agreement that were outstanding at the end of such period.

“(C) AGGREGATION BY INSTITUTION.—The information reported under subparagraph (A) shall be aggregated with respect to each institution of higher education or alumni organization or foundation affiliated with or related to such institution.

“(3) REPORTS BY BOARD.—The Board shall submit to the Congress, and make available to the public, an annual report that lists the information concerning credit card agreements submitted to the Board under paragraph (2) by each institution of higher education, alumni organization, or foundation.”.

(b) STUDY AND REPORT BY THE COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General of the United States shall from time to time review the reports submitted by creditors and the marketing practices of creditors to determine the impact that college affinity card agreements and college student credit card agreements have on credit card debt.

(2) REPORT.—Upon completion of any study under paragraph (1), the Comptroller General shall periodically submit a report to the Congress on the findings and conclusions of the study, together with such recommendations for administrative or legislative action as the Comptroller General determines to be appropriate.

(c) EFFECTIVE DATE FOR INITIAL CREDITOR REPORTS.—The initial reports required under paragraph (2)(A) of the amendment made by subsection (a) shall be submitted to the Board before the end of the 90-day period beginning on the date of enactment of this Act.

**SA 1100.** Mr. DURBIN (for himself and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**SEC. 109. CONSUMER DISCOUNTS; TRANSPARENCY IN MERCHANT FEE INFORMATION.**

(a) IN GENERAL.—Section 167 of the Truth in Lending Act (15 U.S.C. 1666f) is amended to read as follows:

**“SEC. 167. INDUCEMENTS TO CARD HOLDERS BY SELLERS OF DISCOUNTS FOR PAYMENTS BY CASH, CHECK, OR DEBIT CARDS; FINANCE CHARGE FOR SALES TRANSACTIONS INVOLVING DISCOUNTS.**

“(a) CASH, CHECK, AND DEBIT DISCOUNTS.—With respect to a credit card which may be used for extensions of credit in sales transactions in which the seller is a person other than the card issuer, the card issuer and any other covered person may not, by contract, rule, or otherwise, prohibit any such seller from offering a discount to a cardholder to induce the cardholder to pay by cash, check, debit card, or similar payment device, rather than by use of a credit card.

“(b) FINANCE CHARGE.—With respect to any sales transaction, any discount from the regular price offered by the seller for the purpose of inducing payment by a means not involving the use of a particular open end credit plan or credit card shall not constitute a finance charge, as determined under section 106, if the seller—

“(1) offers the discount to all prospective buyers; and

“(2) discloses the availability of the discount to consumers clearly and conspicuously.

“(c) DISCOUNT DISPLAY RESTRICTIONS.—With respect to a credit card which may be used for extensions of credit in sales transactions in which the seller is a person other than the card issuer, the card issuer or any other covered person may not, by contract, rule, or otherwise, restrict the discretion of the seller as to how to display or advertise the discounts offered by the seller.

“(d) PREFERRED FORM OF PAYMENT.—A card issuer and any other covered person may not, by contract, rule, or otherwise, inhibit the ability of any seller to inform consumers regarding the preference of the seller for payment in the form of—

“(1) cash or similar means;

“(2) check or similar means;

“(3) debit card or similar device; or

“(4) credit card or similar device.

“(e) VIOLATIONS.—It shall be a violation of this chapter, enforceable as provided in section 108, for a card issuer or any other covered person to promulgate, impose, or enforce any fine, condition, or penalty on a seller or a cardholder, or use any other means to prevent or limit any seller from offering a discount pursuant to subsection (a), from setting or displaying discounts pursuant to subsection (c), or from informing consumers regarding a preferred form of payment pursuant to subsection (d).

“(f) DEFINITIONS.—For purposes of this section—

“(1) the term ‘covered person’ means—

“(A) an electronic payment system network;

“(B) a licensed member of an electronic payment system network; and

“(C) any other person that sets or implements the rules for the use of an electronic payment system network; and

“(2) the term ‘processing fee’ means any fee that is—

“(A) charged by an electronic payment system network or a licensed member of such network in connection with any aspect of a transaction conducted between a consumer and a seller, using a particular payment card bearing the logo of such electronic payment system network; and

“(B) incurred by the seller.”.

(b) DEFINITIONS.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended—

(1) in subsection (x), by striking “or similar means” and inserting “debit card or similar payment device”; and

(2) by adding at the end the following:

“(cc) DEBIT CARD.—The term ‘debit card’ means any general-purpose card or other device issued or approved for use by a financial institution (as that term is defined in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a)) for use in debiting the account of a cardholder for the purpose of that cardholder obtaining goods or services, whether authorization is signature-based, PIN-based, or otherwise.

“(dd) ELECTRONIC PAYMENT SYSTEM NETWORK.—The term ‘electronic payment system network’ means a network that provides, through licensed members, processors, or agents—

“(1) for the issuance of credit cards, debit cards, or other payment cards or similar devices bearing any logo of the network;

“(2) the proprietary services and infrastructure that route information and data to facilitate transaction authorization, clearance, and settlement that merchants must access in order to accept credit cards, debit cards, or other payment cards or similar devices bearing any logo of the network as payment for goods and services; and

“(3) for the screening and acceptance of merchants into the network in order to allow such merchants to accept credit cards, debit cards, or other payment cards or similar devices bearing any logo of the network as payment for goods and services.

“(ee) LICENSED MEMBER.—The term ‘licensed member’, in connection with any electronic payment system network, includes—

“(1) any creditor or credit card issuer that is authorized to issue credit cards or charge cards bearing any logo of the network;

“(2) any financial institution (as that term is defined in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a)) that is authorized to issue debit cards to consumers who maintain accounts at such financial institution; and

“(3) any person, including any financial institution, that is authorized—

“(A) to screen and accept merchants into any program under which any credit card, debit card, or other payment card or similar device bearing any logo of such network may be accepted by the merchant for payment for goods or services;

“(B) to process transactions on behalf of any such merchant for payment; and

“(C) to complete financial settlement of any such transaction on behalf of such merchant.”.

(c) TRANSPARENCY IN MERCHANT FEE INFORMATION.—Chapter 1 of the Truth in Lending Act (15 U.S.C. 1601 et seq.) is amended by adding at the end the following:

**“SEC. 115. TRANSPARENCY IN MERCHANT FEE INFORMATION.**

“(a) FEE INFORMATION.—The Board shall collect, and shall publish at least once every 2 years, in a form that is provided to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and is made available to the public—

“(1) information on the processing fees, as such term is defined in section 167, charged by electronic payment system networks and licensed members of such networks in connection with payment cards bearing any logo of such electronic payment system networks; and

“(2) information on the rules, terms, and conditions to which a merchant is subject under an agreement with an electronic payment system network or a licensed member of such network, directly or indirectly, by contract or through a licensing arrangement for transactions initiated by consumers using payment cards bearing any logo of such electronic payment system network.

“(b) PURPOSE.—The purpose of the publication required under subsection (a) is to regularly inform Congress, businesses, and consumers regarding the types and amounts of processing fees charged in connection with payment cards, and the ways in which those types and amounts of fees change over time.

“(c) REGULATIONS.—For purposes of this section, the Board may prescribe regulations and issue orders requiring any electronic payment system network or licensed member of such network to submit any information, including transaction and fee data, rules, agreements, and contracts, that the Board determines to be necessary or appropriate for the Board to meet the requirements of subsection (a).

“(d) CONFIDENTIAL INFORMATION.—The Board shall exclude from the publication required by subsection (a) any information collected from an electronic payment system network or a licensed member of such network which the Board deems to be confidential, proprietary, or a trade secret, such that public disclosure of the information would harm competition and consumers.”.

**SA 1101.** Mr. BURR submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PARENTAL ACCESS TO YOUNG CONSUMER CREDIT REPORTS.**

Section 610 of the Fair Credit Reporting Act (15 U.S.C. 1681h) is amended by adding at the end the following:

“(f) PARENTAL ACCESS.—Notwithstanding any other provision of law, the parent or legal guardian of a consumer under the age of 18 who is the dependent of that parent or legal guardian, may request the disclosures required under section 609 with respect to that dependent, in accordance with this section, subject to the provision by such person of—

“(1) proper identification as the parent or legal guardian; and

“(2) proof of the dependent's age and relationship to that person.”.

**SA 1102.** Mr. MENENDEZ submitted an amendment intended to be proposed



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

On page 10, line 25, strike "rule." and insert "rule."

"(c) UNIVERSAL DEFAULT.—In the case of any credit card account under an open end consumer credit plan, no creditor may increase any annual percentage rate, fee, or finance charge applicable to that account, based solely on a change in the credit risk of the consumer due to a single event relating to another account or other obligation of the consumer."

**SA 1103.** Mr. UDALL of Colorado (for himself, Mr. LEVIN, Mr. LIEBERMAN, Mr. UDALL of New Mexico, Mrs. GILLIBRAND, Mr. BURRIS, and Mrs. HAGAN) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. 503. DISCLOSURE OF CREDIT SCORES.**

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

"(D) INCLUSION OF CREDIT SCORES.—Each consumer reporting agency described in section 603(p) that develops or uses a credit score with respect to any consumer shall include the information described in section 609(f) with the disclosures required by subparagraph (A) of this paragraph, free of charge."

**SA 1104.** Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed to amendment SA 1084 submitted by Mrs. GILLIBRAND to the amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

Beginning on page 1, line 2, strike all through page 2, line 9, and insert the following:

**SEC. 503. GAO STUDY AND REPORT ON FLUENCY IN THE ENGLISH LANGUAGE AND FINANCIAL LITERACY.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study examining—

(1) the relationship between fluency in the English language and financial literacy; and  
(2) the extent, if any, to which individuals whose native language is a language other than English are impeded in their conduct of their financial affairs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that con-

tains a detailed summary of the findings and conclusions of the study required under subsection (a).

**SA 1105.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 9, strike "9 months" and insert "3 months".

**SA 1106.** Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. 503. FINANCIAL AND ECONOMIC LITERACY.**

(a) REPORT ON FEDERAL FINANCIAL AND ECONOMIC LITERACY EDUCATION PROGRAMS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Education and the Director of the Office of Financial Education of the Department of the Treasury shall coordinate with the President's Advisory Council on Financial Literacy—

(A) to evaluate and compile a comprehensive summary of all existing Federal financial and economic literacy education programs, as of the time of the report; and

(B) to prepare and submit a report to Congress on the findings of the evaluations.

(2) CONTENTS.—The report required by this subsection shall address, at a minimum—

(A) the 2008 recommendations of the President's Advisory Council on Financial Literacy;

(B) existing Federal financial and economic literacy education programs for grades kindergarten through grade 12, and annual funding to support these programs;

(C) existing Federal postsecondary financial and economic literacy education programs and annual funding to support these programs;

(D) the current financial and economic literacy education needs of adults, and in particular, low- and moderate-income adults;

(E) ways to incorporate and disseminate best practices and high quality curricula in financial and economic literacy education; and

(F) specific recommendations on sources of revenue to support financial and economic literacy education activities with a specific analysis of the potential use of credit card transaction fees.

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—The Secretary of Education and the Director of the Office of Financial Education of the Department of the Treasury shall coordinate with the President's Advisory Council on Financial Literacy to develop a strategic plan to improve and expand financial and economic literacy education.

(2) CONTENTS.—The plan developed under this subsection shall—

(A) incorporate findings from the report and evaluations of existing Federal financial

and economic literacy education programs under subsection (a); and

(B) include proposals to improve, expand, and support financial and economic literacy education based on the findings of the report and evaluations.

(3) PRESENTATION TO CONGRESS.—The plan developed under this subsection shall be presented to Congress not later than 90 days after the date that the report under subsection (a) is submitted to Congress.

(c) EFFECTIVE DATE.—Notwithstanding section 3, this section shall become effective on the date of enactment of this Act.

**SA 1107.** Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BURRIS) submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

At the end of title V, add the following:

**SEC. 503. STORED VALUE CARDS.**

(a) DEFINITIONS.—Section 5312(a) of title 31, United States Code, is amended—

(1) in paragraph (2)(K), by inserting "stored value devices," after "money orders,";

(2) in paragraph (3)(B), by striking "and" at the end and inserting "and stored value devices and any other similar money transmitting devices,";

(3) in paragraph (3)(C), by striking the period at the end and inserting "and";

(4) by adding at the end the following:

"(D) as the Secretary of the Treasury shall provide by regulation for purposes of sections 5316 and 5331 of this title, stored value devices, or other similar money transmitting devices (as defined by regulation of the Secretary for such purposes), unless the Secretary, in coordination with the Secretary of Homeland Security, determines that a particular device, based on other applicable laws, is subject to additional security measures that obviate the need for such regulations as it relates to that device."; and

(5) by adding at the end the following new paragraph:

"(7) 'Stored value' means funds or monetary value represented in digital electronics format (whether or not specially encrypted) and stored or capable of storage on electronic media in such a way as to be retrievable and transferable electronically."

(b) CRIMINAL PENALTIES.—Title 18, United States Code, is amended—

(1) in section 1566(c)(5)(i), by striking "and money orders, or" and inserting "money orders, stored value devices, and any other similar money transmitting devices, or"; and

(2) in section 1960(b)—

(A) in paragraph (1)(C), by inserting "including funds on fraudulently issued stored value devices and funds on stored value devices issued anonymously for the purpose of evading monetary reporting requirements," after "funds"; and

(B) in paragraph (2), by striking "or courier" and inserting "courier, or issuance, redemption, or sale of stored value devices or other similar instruments".

(c) MONEY TRANSMITTING BUSINESSES.—Section 5330(d)(1)(A) of title 31, United States Code, is amended by inserting "stored value devices," after "travelers checks,".

**SA 1108.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in

Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. 503. REPORTS ON ISSUER PRACTICES DURING THE INTERIM PERIOD BETWEEN THE DATE OF ENACTMENT AND THE EFFECTIVE DATE.**

(a) **PURPOSE.**—The purpose of this section is to require credit card issuers and the agencies that regulate such issuers to report information on increases in consumer interest rates and consumer complaints that occur during the period between the date of enactment of this Act and the effective date of this Act under section 3.

(b) **REPORTS TO AGENCIES REQUIRED.**—

(1) **IN GENERAL.**—Not later than 45 days after the date of enactment of this Act, and every 45 days thereafter, each card issuer shall submit to the appropriate enforcement agency a report containing data on any increase in consumer interest rates by the card issuer made on or after May 1, 2009.

(2) **CONTENTS OF REPORTS.**—The reports required under paragraph (1)—

(A) shall include—

(i) the number of cardholders affected by each such increase;

(ii) the categories of cardholders affected by each such increase;

(iii) the size of each such increase;

(iv) the reason for each such increase; and

(v) a summary of the volume and nature of any complaints received from cardholders concerning interest rate increases that would be prohibited if such increases took place after the effective date of this Act; and

(B) need not include information on individually negotiated changes to contractual terms, such as individually modified workouts or renegotiations of amounts owed by a consumer under an open end consumer credit plan.

(c) **SUMMARY OF DATA ON COMPLAINTS.**—Each appropriate enforcement agency shall—

(1) summarize information on the volume and nature of any complaints received by such agency from a consumer concerning interest rate increases that would be prohibited if such increases took place after the effective date of this Act; and

(2) provide such summary to the Board for purposes of subsection (e).

(d) **REPORTS AND DATA AVAILABLE TO PUBLIC.**—Each appropriate enforcement agency shall make the reports and data required under subsections (b) and (c) available to the public.

(e) **REPORTS TO CONGRESS.**—

(1) **REPORTS REQUIRED.**—The Board shall submit to Congress periodic reports on practices of creditors that contain a compilation of the reports and data required under subsections (b) and (c).

(2) **AGENCY COOPERATION.**—Each appropriate enforcement agency shall provide compilations of any reports it receives under this section to the Board for purposes of this subsection.

(3) **TIMING OF REPORTS.**—The Board shall submit the reports required under paragraph (1) not later than 90 days after the date of enactment of this Act, and every 90 days thereafter.

(f) **EFFECTIVE DATE.**—Notwithstanding section 3 of this Act, this section shall be effective during the period beginning on the date of enactment of this Act and ending on the effective date of this Act under section 3.

(g) **DEFINITIONS.**—In this section—

(1) the term “appropriate enforcement agency” means, with respect to a card issuer, the agency responsible for adminis-

trative enforcement relating to such card issuer under section 108 of the Truth in Lending Act (15 U.S.C. 1607); and

(2) the terms “cardholder”, “card issuer”, “consumer”, and “open end credit plan” have the same meanings as section 103 of the Truth in Lending Act (15 U.S.C. 1602).

**SA 1109.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. PRESIDENTIAL DEBT REDUCTION PLAN.**

The President shall submit a comprehensive plan to Congress for reducing Federal outlays for the current fiscal year by at least one-half of 1 percent of total Federal outlays not later than 15 days after the date the total outstanding gross debt exceeds 95 percent of the amount of the statutory limit on public debt (as set forth in section 3101 of title 31, United States Code).

**SA 1110.** Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 1058 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, strike line 3 and all that follows through page 30, line 12 and insert the following:

(c) **GUIDELINES REQUIRED.**—

(1) **IN GENERAL.**—Not later than 6 months after the date of enactment of this Act, the Board shall issue guidelines, by rule, in consultation with the Secretary of the Treasury, for the establishment and maintenance by creditors of a toll-free telephone number for purposes of providing information about accessing credit counseling and debt management services, as required under section 127(b)(1)(B)(iv) of the Truth in Lending Act, as added by this section.

(2) **APPROVED AGENCIES.**—Guidelines issued under this subsection shall ensure that referrals provided by the toll-free number referred to in paragraph (1) include only those nonprofit budget and credit counseling agencies approved by a United States bankruptcy trustee pursuant to section 111(a) of title 11, United States Code.

## NOTICE OF HEARING

### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 14, 2009 at 10:30 a.m. in room 628 of the Dirksen Senate office building to conduct a business meeting to consider the nomination of Larry J. Echo Hawk to be Assistant Secretary for Indian Affairs, U.S. Department of the Interior.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 13, 2009 at 10:30 a.m., to conduct a hearing entitled “Manufacturing and the Credit Crisis.”

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

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 13, 2009 at 2 p.m.

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

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on Wednesday, May 13, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate office building.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 9 a.m.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 10:30 a.m.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 2:30 p.m.

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

### COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, May 13, 2009.

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 10 a.m. to conduct a hearing entitled “The D.C. Opportunity Scholarship Program: Preserving School Choice for All.”

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

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 2:30 p.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 10 a.m.

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

COMMITTEE ON SMALL BUSINESS AND  
ENTREPRENEURSHIP

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 2:30 p.m. to conduct a hear-

ing entitled, "Small Business Financing: Progress Report on Recovery Act Implementation and Alternative Sources of Financing."

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT  
AND THE COURTS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, to conduct a hearing entitled "What Went Wrong: Torture and the Office of Legal Counsel in the Bush Administration" on Wednesday, May 13, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON AVIATION OPERATIONS,  
SAFETY, AND SECURITY

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session

of the Senate on Wednesday, May 13, 2009, at 2:15 p.m., in room 253 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON COMPETITIVENESS,  
INNOVATION, AND EXPORT PROMOTION

Mr. DODD. Mr. President, I ask unanimous consent that the Subcommittee on Competitiveness, Innovation, and Export Promotion of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, May 13, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. I ask unanimous consent that Sharon Lee and Conor O'Brien of my staff be granted the privileges of the floor for the duration of today's session.

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

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Paul Grove:									
Egypt .....	Pound .....		426.00						426.00
Israel .....	Shekel .....		546.00						546.00
Jordan .....	Dinar .....		128.00						128.00
United States .....	Dollar .....				8,796.15				8,796.15
Katherine Eltrich:									
Egypt .....	Pound .....		426.00						426.00
Israel .....	Shekel .....		528.00						528.00
United States .....	Dollar .....				9,036.17				9,036.17
Michele Wymer:									
Israel .....	Shekel .....		528.00		200.00				728.00
United States .....	Dollar .....				7,469.40				7,469.40
Brian Wilson:									
Kuwait .....	Dinar .....		996.00						996.00
United States .....	Dollar .....				8,053.57				8,053.57
Gary Reese:									
Kuwait .....	Dinar .....		996.00						996.00
United States .....	Dollar .....				8,053.57				8,053.57
Senator George Voinovich:									
Belgium .....	Euro .....		312.00						312.00
Joseph Lai:									
Belgium .....	Euro .....		312.00						312.00
Senator Richard Durbin:									
United States .....	Dollar .....				10,143.98				10,143.98
Cyprus .....	Euro .....		106.48		420.41				526.89
Greece .....	Euro .....		70.97						70.97
Turkey .....	Lira .....		406.00						406.00
Michael Daly:									
United States .....	Dollar .....				8,861.51				8,861.51
Cyprus .....	Euro .....		129.26		161.65				290.91
Greece .....	Euro .....		51.61						51.61
Turkey .....	Lira .....		646.00						646.00
Chris Homan:									
United States .....	Dollar .....				10,177.09				10,177.98
Cyprus .....	Euro .....		109.14		161.65				270.79
Greece .....	Euro .....		35.74						35.74
Turkey .....	Lira .....		475.00						475.00
Christopher Bradish:									
United Kingdom .....	Pound .....		194.00						194.00
Israel .....	Shekel .....		339.00						339.00
Syria .....	Pound .....		280.00						280.00
Austria .....	Euro .....		294.00						294.00
Belgium .....	Euro .....		294.00						294.00
Norway .....	Krone .....		204.00						204.00
Iceland .....	Krona .....		145.00						145.00
Senator Arlen Specter:									
United Kingdom .....	Pound .....		115.00						115.00
Israel .....	Shekel .....		283.02						283.02
Syria .....	Pound .....		150.81						150.81

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Austria .....	Euro .....		179.55						179.55
Belgium .....	Euro .....		179.55						179.55
Norway .....	Krone .....		102.26						102.26
Iceland .....	Krona .....		93.16						93.16
Allen Cutler:									
United States .....	Dollar .....				7,991.44				7,991.44
Chile .....	Peso .....		1,191.07						1,191.07
Argentina .....	Peso .....		698.00						698.00
Howard Sutton:									
United States .....	Dollar .....				8,845.44				8,845.44
Chile .....	Peso .....		1,191.07						1,191.07
Argentina .....	Peso .....		698.00						698.00+
Total: .....			13,859.55		87,789.88				101,649.43

SENATOR DANIEL INOUE,  
Chairman, Committee on Appropriations, May 1, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard H. Fontaine, Jr.:									
Germany .....	Dollar .....		394.00						394.00
Senator Joseph I. Lieberman:									
Saudi Arabia .....	Riyal .....		91.00						91.00
Egypt .....	Pound .....		150.00						150.00
Israel .....	New Shekel .....		815.00						815.00
Vance Serchuk:									
Saudi Arabia .....	Riyal .....		55.00						55.00
Egypt .....	Pound .....		97.00						97.00
Israel .....	New Shekel .....		221.00						221.00
Christopher Griffin:									
Saudi Arabia .....	Riyal .....		50.00						50.00
Egypt .....	Pound .....		100.00						100.00
Israel .....	New Shekel .....		200.00						200.00
Daniel W. Fisk:									
Belgium .....	Euro .....		169.81						169.81
Richard H. Fontaine, Jr.:									
Belgium .....	Dollar .....		412.00						412.00
Senator John McCain:									
Belgium .....	Dollar .....		412.00						412.00
Brooke Buchanan:									
Belgium .....	Dollar .....		412.00						412.00
Senator Mel Martinez:									
Belgium .....	Dollar .....		396.28		15.72				412.00
Total .....			3,975.09		15.72				3,990.81

SENATOR CARL LEVIN,  
Chairman, Committee on Armed Services, Apr. 17, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Robert F. Bennett:									
Belgium .....	Euro .....		284.00						284.00
United States .....	Dollar .....				2,977.68				2,977.68
Mary Jane Collipriest:									
Belgium .....	Euro .....		372.00						372.00
United States .....	Dollar .....				2,977.68				2,977.68
Amber Sechrist:									
Belgium .....	Euro .....		372.00						372.00
United States .....	Dollar .....				2,977.68				2,977.68
Total .....			1,028.00		8,933.04				9,961.04

SENATOR CHRISTOPHER DODD,  
Chairman, Committee on Banking, Housing, and Urban Affairs, Apr. 3, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1, TO DEC. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jeffrey Bingham:									
United States .....	Dollar .....				8,025.35				8,025.35
Russia .....	Ruble .....		2,088.00						2,088.00
Russia .....	Ruble .....				1,830.00				1,830.00
Kazakhstan .....	Ruble .....		370.00						370.00
Richard Swayze:									
United States .....	Dollar .....				13,405.17				13,405.17
Singapore .....	Dollar .....		643.28		28.05		7.01		678.34

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22  
U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1, TO DEC. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
China—Hong Kong .....	Dollar .....		1,340.23		8.07		6.45		1,354.75
South Korea .....	Won .....		359.96		5.48				365.44
Japan .....	Yen .....		938.98		114.50				1,053.48
Amanda Hallberg:									
United States .....	Dollar .....				9,854.50				9,854.50
Republic of Korea .....	Won .....		700.00						700.00
Kristen Sarri:									
United States .....	Dollar .....				9,036.99				9,036.99
Poland .....	Zloty .....		2,808.00						2,808.00
Ann Zulkosky:									
United States .....	Dollar .....				9,068.36				9,068.36
Poland .....	Zloty .....		1,252.48						1,252.48
John Richards:									
United States .....	Dollar .....				8,841.59				8,841.59
Poland .....	Zloty .....		1,732.62						1,372.62
Total .....			12,233.55		60,218.06		13.46		72,465.07

SENATOR DANIEL INOUE,  
Chairman, Committee on Commerce, Science, and Transportation,  
Apr. 29, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22  
U.S.C. 1754(b), COMMITTEE ON ENERGY & NATURAL RESOURCES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Allyson Anderson:									
United States .....	Dollar .....				8,105.21				8,105.21
France .....	Euro .....		1,464.00						1,464.00
Total .....			1,464.00		8,105.21				9,569.21

SENATOR JEFF BINGAMAN,  
Chairman, Committee on Energy & Natural Resources, Mar. 17, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95—384—22  
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Amber Cottle:									
China .....	Yuan .....		254.53						254.53
Hong Kong .....	Dollar .....		691.96						691.96
United States .....	Dollar .....				11,277.43				11,277.43
Ayesha Khanna:									
China .....	Yuan .....		156.70						156.70
Hong Kong .....	Dollar .....		713.71						713.71
United States .....	Dollar .....				11,277.43				11,277.43
Hun Quach:									
China .....	Yuan .....		156.35						156.35
Hong Kong .....	Dollar .....		877.54						877.54
United States .....	Dollar .....				11,277.43				11,277.43
Christopher Campbell:									
China .....	Yuan .....		176.65						176.65
Hong Kong .....	Dollar .....		807.92						807.92
United States .....	Dollar .....				11,277.43				11,277.43
Keith Franks:									
China .....	Yuan .....		171.32						171.32
Hong Kong .....	Dollar .....		723.37						723.37
United States .....	Dollar .....				11,277.43				11,277.43
Greta Lundeborg:									
China .....	Yuan .....		225.53						225.53
Hong Kong .....	Dollar .....		908.28						908.28
United States .....	Dollar .....				11,277.43				11,277.43
Michelle Miranda:									
China .....	Yuan .....		151.29						151.29
Hong Kong .....	Dollar .....		783.66						783.66
United States .....	Dollar .....				11,277.43				11,277.43
Jeffrey Phan:									
China .....	Yuan .....		248.33						248.33
Hong Kong .....	Dollar .....		696.66						696.66
United States .....	Dollar .....				11,277.43				11,277.43
Brian Rice:									
China .....	Yuan .....		242.35						242.35
Hong Kong .....	Dollar .....		844.08						844.08
United States .....	Dollar .....				11,781.43				11,781.43
Ted Serafini:									
China .....	Yuan .....		163.51						163.51
Hong Kong .....	Dollar .....		877.93						877.93
United States .....	Dollar .....				11,781.43				11,781.43
*Delegation Expenses:									
Hong Kong .....							50.41		50.41
Total .....			9,871.67		113,832.71				123,704.38

\*Delegation expenses include transportation as well as other official expenses in accordance with the responsibilities of the host county.

SENATOR MAX BAUCUS,  
Chairman, Committee on Finance, Sept. 24, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph R. Biden, Jr.: Afghanistan .....	Dollar .....		200.00						200.00
Senator Robert Casey, Jr.: Belgium .....	Euro .....		202.00						202.00
Senator Bob Corker: Brazil .....	Real .....		152.00						152.00
United States .....	Dollar .....				7,526.70				7,526.70
Senator John Kerry: Egypt .....	Pound .....		142.00						142.00
Jordan .....	Dinar .....		609.00						609.00
Israel .....	Shekel .....		621.00						621.00
Syria .....	Pound .....		165.00						165.00
United Kingdom .....	Pound .....		205.00						205.00
United States .....	Dollar .....				7,991.35				7,991.35
Senator James Risch: Belgium .....	Euro .....		309.00						309.00
Senator Jeanne Shaheen: Belgium .....	Euro .....		189.00						189.00
Jonah Blank: Afghanistan .....	Dollar .....		11.51						11.51
Antony Blinken: Afghanistan .....	Dollar .....		55.00						55.00
Jay Branegan: Qatar .....	Riyal .....		519.00						519.00
United States .....	Dollar .....				7,927.00				7,927.00
Perry Cammack: Egypt .....	Pound .....		105.00						105.00
Jordan .....	Dinar .....		185.00						185.00
Israel .....	Shekel .....		242.00						242.00
Syria .....	Pound .....		14.00						14.00
United Kingdom .....	Pound .....		115.00						115.00
United States .....	Dollar .....				7,764.66				7,764.66
Steven Feldstein: El Salvador .....	Dollar .....		429.00						429.00
Haiti .....	Dollar .....		661.00						661.00
United States .....	Dollar .....				2,488.20				2,488.20
Doug Frantz: Austria .....	Euro .....		697.59						697.59
Israel .....	Shekel .....		226.52						226.52
United States .....	Dollar .....				8,274.76				8,274.76
Brad Hoaglund: Belgium .....	Euro .....		110.95						110.95
Frank Jannuzi: China .....	Yuan .....		2,904.00						2,904.00
United States .....	Dollar .....				13,894.04				13,894.04
Jofi Joseph: Belgium .....	Euro .....		230.00						230.00
Chad Kreikemeier: Belgium .....	Euro .....		167.00						167.00
Mark Lopes: El Salvador .....	Dollar .....		336.00						336.00
United States .....	Dollar .....				1,612.00				1,612.00
Frank Lowenstein: Jordan .....	Dinar .....		202.00						202.00
Israel .....	Shekel .....		621.00						621.00
Syria .....	Pound .....		165.00						165.00
United Kingdom .....	Pound .....		205.00						205.00
United States .....	Dollar .....				7,977.35				7,977.35
Paul Palagyi: Brazil .....	Real .....		370.00						370.00
United States .....	Dollar .....				7,759.70				7,759.70
Shannon Smith: Dem. Rep. of Congo .....	Dollar .....		878.00						878.00
Rwanda .....	Dollar .....		401.00						401.00
United States .....	Dollar .....				10,853.06				10,853.06
Chris Socha: Azerbaijan .....	Manat .....		785.17						785.17
Georgia .....	Lari .....		1,030.19						1,030.19
Ukraine .....	Hryvnia .....		832.00						832.00
United States .....	Dollar .....				10,128.08				10,128.08
Puneet Talwar: Afghanistan .....	Dollar .....		45.00						45.00
Anthony Wier: Germany .....	Euro .....		218.00						218.00
United States .....	Dollar .....				7,196.38				7,196.38
Debbie Yamada: Israel .....	Shekel .....		380.00						380.00
Syria .....	Pound .....		118.00						118.00
Austria .....	Euro .....		276.00						276.00
Total .....			16,328.93		101,393.28				117,722.21

SENATOR JOHN KERRY,  
Chairman, Committee on Foreign Relations, Apr. 23, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Wendy Anderson: United States .....	Dollar .....				8,361.56				8,361.56
Belgium .....	Euro .....		151.81		69.00		70.00		290.81
Phil Park: Belgium .....	Euro .....		362.00						362.00
Total .....			513.81		8,430.56		70.00		9,014.37

SENATOR JOSEPH LIEBERMAN,  
Chairman, Committee on Homeland Security and Governmental Affairs,  
Apr. 28, 2009.



May 13, 2009

## CONGRESSIONAL RECORD—SENATE

S5453

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mary Sumpter Johnson:									
United States .....	Dollar .....				10,332.04				10,332.04
Tanzania .....	Dollar .....		1,938.00						1,938.00
Caya Lewis:									
United States .....	Dollar .....				10,504.64				10,504.64
Tanzania .....	Dollar .....		1,938.00						1,938.00
Hayden Rhudy:									
United States .....	Dollar .....				10,333.22				10,333.22
Tanzania .....	Dollar .....		1,938.00						1,938.00
Mona Shah:									
United States .....	Dollar .....				12,451.44				12,451.44
Tanzania .....	Dollar .....		1,938.00						1,938.00
Total .....			7,752.00		43,621.34				51,373.34

SENATOR EDWARD M. KENNEDY,  
Chairman, Committee on Health, Education, Labor and Pensions,  
Mar. 23, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Eric Pelofsky .....			582.00						582.00
Randall Bookout .....			1,650.00						1,650.00
	Dollar .....				12,574.00				12,574.00
James Smythers .....			1,215.00						1,215.00
	Dollar .....				15,968.50				15,968.50
Caroline Tess .....			580.00						580.00
	Dollar .....				7,440.00				7,440.00
Andrew Kerr .....			2,646.00						2,646.00
	Dollar .....				9,321.45				9,321.45
David Koger .....			2,646.00						2,646.00
	Dollar .....				11,327.45				11,327.45
Daniel Jones .....			1,612.00						1,612.00
	Dollar .....				8,353.35				8,353.35
John Dickas .....			1,399.00						1,399.00
	Dollar .....				8,353.35				8,353.35
Michael Pevzner .....			870.00						870.00
	Dollar .....				9,894.00				9,894.00
Eric Pelofsky .....			368.67						368.67
	Dollar .....				5,694.04				5,694.04
Paul Matulic .....			1,864.00						1,864.00
Paul Matulic .....					7,482.96				7,482.96
Eric Pelofsky .....			44.00						44.00
	Dollar .....				8,218.29				8,218.29
Sen. Sheldon Whitehouse .....			60.83						60.83
	Dollar .....				8,218.29				8,218.29
Total .....			15,537.50		112,845.68				128,383.18

SENATOR DIANNE FEINSTEIN,  
Chairman, Committee on Intelligence, Apr. 8, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S.  
SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Clete Johnson .....			907.00						907.00
	Dollar .....				9,648.52				9,648.52
Senator Bill Nelson .....			1,744.00						1,744.00
	Dollar .....				11,874.44				11,874.44
Caroline Tess .....			1,464.00						1,464.00
	Dollar .....				10,929.00				10,929.00
Greta Lundeborg .....			1,664.00						1,664.00
	Dollar .....				10,928.94				10,928.94
John Dickas .....			1,422.00						1,422.00
	Dollar .....				11,160.00				11,160.00
Jennifer Wagner .....			1,430.99						1,430.99
	Dollar .....				11,160.00				11,160.00
Evan Gottesman .....			810.96						810.96
	Dollar .....				15,611.33				15,611.33
Andrew Kerr .....			750.00						750.00
	Dollar .....				2,627.30				2,627.30
Gordon Matlock .....			750.00						750.00
	Dollar .....				2,622.30				2,622.30
Senator Christopher S. Bond .....			1,973.27						1,973.27
	Dollar .....				10,704.71				10,704.71
Louis Tucker .....			1,973.27						1,973.27
	Dollar .....				10,704.72				10,704.72
Shana Marchio .....			1,272.00						1,272.00
	Dollar .....				10,525.00				10,525.00
Michael Dubois .....			1,272.00						1,272.00
	Dollar .....				10,525.00				10,525.00
Lorenzo Goco .....			3,172.00						3,172.00
	Dollar .....				12,036.54				12,036.54
Randall Bookout .....			3,292.00						3,292.00
	Dollar .....				12,036.54				12,036.54
Caroline Tess .....			482.00						482.00
	Dollar .....				8,193.00				8,193.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Pevzner .....	Dollar .....		843.00		9,646.52				843.00
Senator Olympia Snowe .....	Dollar .....		84.83		8,428.29				9,646.52
James Smythers .....	Dollar .....		988.00		14,609.68				84.83
John Maguire .....	Dollar .....		1,173.00		14,450.68				8,428.29
Sameer Bhalotra .....	Dollar .....		2,237.00		13,116.06				988.00
Michael Pevzner .....	Dollar .....		1,094.00		14,421.00				14,609.68
Caroline Tess .....	Dollar .....		686.00		2,311.00				1,173.00
Alissa Starzak .....	Dollar .....		560.00		2,207.00				14,450.68
Randall Bookout .....	Dollar .....		2,586.00		11,503.80				2,237.00
Paul Matulic .....	Dollar .....		2,566.00		11,503.80				13,116.06
George K. Johnson .....	Dollar .....		3,465.00		9,293.67				1,094.00
Bryan Smith .....	Dollar .....		2,221.00		7,843.67				14,421.00
Louis Tucker .....	Dollar .....		1,298.00		10,448.90				686.00
Richard Girven .....	Dollar .....		1,388.00		10,488.90				2,311.00
Andrew Kerr .....	Dollar .....		1,372.00		10,519.84				560.00
Jennifer Wagner .....	Dollar .....		1,528.00		10,519.84				2,207.00
David Koger .....	Dollar .....		3,850.00		10,544.98				2,586.00
Richard Girven .....	Dollar .....		3,776.00		12,933.52				2,566.00
Matthew Pollard .....	Dollar .....		2,398.90		19,646.33				11,503.80
David Grannis .....	Dollar .....		1,150.00		8,789.42				2,566.00
Sameer Bhalotra .....	Dollar .....		1,282.00		8,789.42				11,503.80
Jacqueline Russell .....	Dollar .....		2,723.00		20,136.83				3,465.00
John Livingston .....	Dollar .....		2,723.00		19,646.33				9,293.67
Kathleen McGhee .....	Dollar .....		2,223.00		19,646.33				7,843.67
Kathleen Rice .....	Dollar .....		2,723.00		19,646.33				1,298.00
James Smythers .....	Dollar .....		1,653.10		15,079.27				1,388.00
John Maguire .....	Dollar .....		322.00		8,218.29				1,372.00
Total .....			73,293.32		485,677.04				10,519.84

SENATOR JAY ROCKEFELLER,  
Chairman, Committee on Intelligence, Feb. 19, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED FROM 4TH QUARTER, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM OCT. 1, 2008 TO DEC. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Addendum to 2008 4th Quarter Report									
Todd Rosenblum .....	Dollar .....		392.00		1,904.00				392.00
Todd Rosenblum .....	Dollar .....		907.00		9,647.00				1,904.00
Total .....			1,299.00		11,551.00				907.00

SENATOR JAY ROCKEFELLER,  
Chairman, Committee on Intelligence, Apr. 24, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ben Cardin:									
Israel .....	Shekel .....		1,446.00						1,446.00
Syria .....	Pound .....		548.54						548.54
Austria .....	Euro .....		1,056.19						1,056.19
Senator Sheldon Whitehouse:									
Israel .....	Shekel .....		1,446.00						1,446.00
Syria .....	Pound .....		548.54						548.54
Austria .....	Euro .....		1,430.19						1,430.19
Senator Tom Udall:									
Israel .....	Shekel .....		1,446.00						1,446.00
Syria .....	Pound .....		548.54						548.54

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2009—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Austria .....	Euro .....		1,430.19						1,430.19
Senator Roger Wicker:									
Israel .....	Shekel .....		1,446.00						1,446.00
Syria .....	Pound .....		548.54						548.54
Austria .....	Euro .....		1,430.19						1,430.19
Representative Alcee Hastings:									
Austria .....	Euro .....		1,301.89						1,301.89
Representative Mike McIntyre:									
Israel .....	Shekel .....		1,446.00						1,446.00
Syria .....	Pound .....		548.54						548.54
Austria .....	Euro .....		1,430.19						1,430.19
Fred Turner:									
Israel .....	Shekel .....		1,446.00						1,446.00
Syria .....	Pound .....		548.54						548.54
Austria .....	Euro .....		1,430.19						1,430.19
Robert Hand:									
Israel .....	Shekel .....		1,446.00						1,446.00
Syria .....	Pound .....		548.54						548.54
Austria .....	Euro .....		1,180.19						1,180.19
Macedonia .....	Denar .....		1,574.00						1,574.00
United States .....	Dollar .....				6,135.92				6,135.92
Shelly Han:									
Israel .....	Shekel .....		1,446.00						1,446.00
Syria .....	Pound .....		548.54						548.54
Austria .....	Euro .....		1,430.19						1,430.19
Alex Johnson:									
Israel .....	Shekel .....		1,446.00						1,446.00
Syria .....	Pound .....		548.54						548.54
Austria .....	Euro .....		2,869.18						2,869.18
Albania .....	Lek .....		1,152.00						1,152.00
United States .....	Dollar .....				9,282.19				9,282.19
Daniel Redfield:									
Israel .....	Shekel .....		1,446.00						1,446.00
Syria .....	Pound .....		548.54						548.54
Austria .....	Euro .....		1,430.19						1,430.19
Winsome Packer:									
Austria .....	Euro .....		3,340.00						3,340.00
United States .....	Dollar .....				6,092.28				6,092.28
Croatia .....	Kuna .....		586.00						586.00
Montenegro .....	Euro .....		1,905.00						1,905.00
United States .....	Dollar .....				1,682.14				1,682.14
Clifford Bond:									
Macedonia .....	Denar .....		1,524.00						1,524.00
United States .....	Dollar .....				9,403.92				9,403.92
Total .....			46,445.18		32,596.45				79,041.63

SENATOR BEN CARDIN,  
Chairman, Committee on Security and Cooperation in Europe, Apr. 20, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM FEB. 15 TO FEB. 18, 2009

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jessica Lewis:									
Argentina .....	Peso .....		1,078.00						1,078.00
Brazil .....	Real .....		1,028.00						1,028.00
United States .....	Dollar .....				7,440.20				7,440.20
Delegation Expenses	Dollar .....						110.00		110.00

SENATOR HARRY REID,  
Chairman, Majority Leader, Apr. 23, 2009.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM DEC. 1 TO DEC. 9, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tom Hawkins:									
United States .....	Dollar .....				8,244.63				8,244.63
Israel .....	Dollar .....		1,446.00						1,446.00
Belgium .....	Dollar .....		396.78				77.66		474.44
Don Stewart:									
United States .....	Dollar .....				8,244.63				8,244.63
Israel .....	Dollar .....		1,446.00						1,446.00
Belgium .....	Dollar .....		396.78				64.66		461.44
Total .....			3,685.56		16,489.26		142.32		20,317.14

SENATOR MITCH MCCONNELL,  
Chairman, Republican Leader, Apr. 21, 2009.

# AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.

Con. Res. 80, which was received from the House.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 80) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

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

Mr. DODD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this measure be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 80) was agreed to.

#### INCREASING RESEARCH, AWARENESS, AND EDUCATION ABOUT CEREBRAL CAVERNOUS MALFORMATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 148, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 148) expressing the sense of the Senate that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations.

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

Mr. UDALL of New Mexico. Mr. President, Joyce Gonzales had been suffering for 15 years when she was diagnosed. A cluster of blood vessels in her cervical spinal cord were giving her discomfort and pain, but for years her doctors could not understand why. When they were finally able to diagnose her, a quick operation relieved her pain and gave her her life back.

Joyce's second cousin was not so lucky. Her experience with the same mysterious illness ended in a fatal cerebral hemorrhage. She was nine years old.

Medical science has made great strides in unlocking the mystery of illnesses that have plagued humanity for centuries. Scientific breakthroughs have helped control and eliminate diseases that once threatened the life and health of millions. Yet for all our progress, we still face threats that we do not understand and therefore cannot stop.

One of these threats is cerebral cavernous malformation, also known as CCM, or cavernous angiomas. CCMs are caused by abnormal blood vessels that form clusters, known as angiomas, in the brain or spinal cord. If these lesions bleed or press up against structures in the central nervous system, they can cause seizures, neurological deficits, hemorrhages, or severe headaches. CCM took 15 years of Joyce Gonzales's wellbeing, and it took the life of her nine-year-old cousin. With more knowledge of this mysterious killer, both tragedies might have been avoided. With today's resolution, I hope we can move one step towards that knowledge.

In the overall population, about 1 in 200 people has a cavernous angioma, and about one-third of these affected individuals become symptomatic at some point in their lives. In some Hispanic families, however, the rate of prevalence is significantly higher. CCM is what is known as an autosomal dominant disease, which means that each child of an affected parent has a 50-percent chance of inheriting it.

In New Mexico, this genetic mutation has been traced back to the original Spanish settlers of the 1580s. It has now spread down and across at least 17 generations, resulting in what could be tens of thousands of cases of the illness in our State. New Mexico has the highest population density of this illness in the world. The States of Arizona, Texas, and Colorado may not be far behind.

Unfortunately, and in some cases tragically, many of those who suffer from this disease do not know it. Even worse, New Mexico and the Nation face a shortage of physicians who are familiar with the illness. This makes it dangerously difficult to receive a timely diagnosis and appropriate care. It puts potentially thousands of individuals at risk of a stroke, a seizure, or even sudden death.

This dangerous ignorance of a potential killer results in part from a lack of research on the disease. NIH funds only eight projects on CCM. This, despite indications from staff at the National Institute of Neurological Disorders and Stroke that CCM may be a "paradigm illness," meaning research findings on CCM could shed light on other illnesses with similar characteristics.

To fight this ignorance and save lives, I am introducing this resolution today to express the sense of the Senate that there is a critical need to expand education, awareness and research on CCM. I thank my colleagues, Senators MCCAIN, BINGAMAN, LEVIN, KERRY, and VITTER for joining me to urge for increased resources.

This is only a preliminary step in the fight against this disease, but it is an important one. A Senate resolution would send the message that we take this disease seriously. It would encourage ongoing research efforts targeted at the disease and increase public knowledge that could lead to accurate diagnoses and saved lives.

In the long run, I believe a Center of Excellence is needed to advance research and provide cutting edge treatments for families with CCM. This Center would also advance science, health care, and medical education in the Southwest, while providing jobs for New Mexicans who want to serve their fellow citizens. An expansion of the existing DNA/tissue and clinical database is also needed. The current database is underfunded, which means that it cannot accept all the samples that are offered. I will be working on both of these issues.

Before I close, I want to thank three people who have been at the forefront

of efforts to understand and fight CCM—Joyce Gonzales, Dr. Leslie Morrison of the University of New Mexico, and Connie Lee, president of the Angioma Alliance. It is my honor to once again join them in this fight by introducing this resolution in the Senate today.

When it comes to diseases like CCM, knowledge can save lives. We can raise the public's and the medical community's understanding of this devastating disease with this resolution. I urge my colleagues to support it.

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

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

The resolution (S. Res. 148) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 148

Whereas cerebral cavernous malformation (in this resolution referred to as "CCM"), or cavernous angioma, is a devastating blood vessel disease that has enormous consequences for people affected and their families;

Whereas cavernous angiomas are malformations in the brain that cannot be detected easily, except through very specific medical imaging scans;

Whereas people with CCM are rarely aware that they have the disease, which makes taking blood thinners or aspirin risky;

Whereas, according to the Angioma Alliance, in the general population, 1 in approximately 200 people has CCM;

Whereas, according to the Angioma Alliance, more than ½ of the people with CCM experience symptoms at some point in their lives;

Whereas, according to the Angioma Alliance, there is a hereditary form of CCM, caused by a mutation or deletion on any 1 of 3 genes, that is characterized by multiple cavernous malformations;

Whereas, according to the Angioma Alliance, each child born to parents with the hereditary form of CCM has a 50 percent chance of having CCM;

Whereas, according to the Angioma Alliance, a specific genetic mutation of CCM called the "common Hispanic mutation", which has been traced to the original Spanish settlers of the Americas in the 1590's, has now spread across at least 17 generations of families;

Whereas while CCM is more prevalent in certain States, families throughout the United States are at risk;

Whereas a person with CCM could go undiagnosed until sudden death, seizure, or stroke;

Whereas there is a shortage of physicians who are familiar with CCM, making it difficult for people with CCM to receive timely diagnosis and appropriate care;

Whereas the shortage of such physicians has a disproportionate impact on thousands of Hispanics across the United States;

Whereas CCM has not been studied sufficiently by the National Institutes of Health and others;

Whereas there is a need to expeditiously initiate pilot studies to research the use of medications to treat CCM; and

Whereas medications that treat CCM will enable preventive treatment that reduces the risk of hemorrhage in those who have been diagnosed, thereby saving lives and dramatically reducing healthcare costs: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations.

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ORDERS FOR THURSDAY, MAY 14,  
2009

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, May 14; 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 there be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, that the majority control the first half and the Republicans control the second half, and that Senator FEINSTEIN control the majority time.

I further ask that following morning business, the Senate resume consideration of H.R. 627, the Credit Cardholders' Bill of Rights legislation.

Finally, I ask unanimous consent that the mandatory quorums under rule XXII with respect to the substitute amendment No. 1058 and H.R. 627 be waived.

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

PROGRAM

Mr. DODD. Mr. President, under rule XXII, the filing deadline for germane first-degree amendments is 1 p.m. tomorrow.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

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

There being no objection, the Senate, at 6:19 p.m., adjourned until Thursday, May 14, 2009, at 9:30 a.m.