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Senate

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

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

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 11, 2009.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

EXTENSION OF MORNING BUSINESS

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

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

SCHEDULE

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

While we are talking about the schedule, I haven't had the opportunity yet to speak to the Republican leader, but I will as soon as we can work out a time to visit today. It appears that we have no alternative but to have votes next Monday. We have a number of nominations. I have to file cloture on all of them. It doesn't work out otherwise. There are certain things we have to do before we go. We have the credit card legislation. We need to do the supplemental appropriations bill. I am confident we can work something out on that. That should go fairly quickly. The only thing that I see that could cause some concern is the closing of Guantanamo. Senator MCCAIN, Senator Obama, during the campaign, indicated they thought it should be closed. I agree with them. The issue is what we do with the prisoners who are there.

What the House has done is just have nothing in the bill. What Senator INOUYE and Senator COCHRAN have done, or they will do—I guess they will mark it up Thursday—Senator INOUYE told me they were going to fence the money so it wouldn't be available until the President came up with a plan and that there be no prisoners brought to the United States during this fiscal year. But that looks like an issue that could cause a little bit of debate.

I have laid out what the two issues are and how we are trying to resolve them, but we are going to have to have votes next Monday. We have a number of nominations. I have tried lots of different ways to get them done. But it appears the only thing we can do is file cloture. There are three we have to do.

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

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

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

HAPPY BIRTHDAY JIM JEFFORDS

Mr. REID. Mr. President, a former colleague of ours celebrates a milestone today. Jim Jeffords, who served his country in the military for many decades and the people of Vermont and Congress for 32 years—and he did so on both sides of the aisle, over there and over here—was born 75 years ago today.

Jim Jeffords, of course, was a lifelong Vermonter. His father was the chief justice of the Vermont Supreme Court, and Jim Jeffords graduated from Vermont public schools, Yale University, and Harvard school. He was a very smart man, as indicated with his academic background.

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

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

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

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

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

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

CREDIT CARD REFORM

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

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

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

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

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

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

In short, this bill we will be taking up this afternoon at 3:30 cleans up the fine print so consumers can't get blindsided by the credit card companies.

More and more Americans sign for and use credit cards every day. Three out of five credit card users carry a balance on their card. There is nothing wrong with that. That balance averages more than $7,000. That is what the average is. But they are using credit cards that have misleading terms and confusing conditions.

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

First, it protects consumers by establishing fair and sensible rules for how and when credit card companies can raise interest rates. Credit card companies must give a 45-day notice before increasing rates and can no longer do so on existing balances.

Second, it cracks down on abusive fees. For example, consumers no longer will have to pay a fee just to pay a bill. That happens. And credit card companies must mail statements 21 days before the bill is due so cardholders can avoid these hefty late charges.

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

It strengthens oversight of the credit card industry to keep it in line.

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

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

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

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

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

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

House arrived over here with 377 votes. This is a bipartisan bill. It is something we need to do. We need to do it as quickly as possible.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 3:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The Senator from Tennessee.

WISHING SENATOR JIM JEFFORDS HAPPY BIRTHDAY

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

INVESTIGATING INTERROGATION TACTICS

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

These interrogation tactics are now well known. They had been approved by the National Security Council, approved by the Department of Justice, were known to senior Democratic and Republican Members of Congress who, CIA records now show, were briefed some 40 times. The CIA has not used the tactics in question for several years. They are not being used today. The Congress has since enacted laws that make clear that interrogation tactics used by the military are limited to those contained in the Army Field Manual. The President extended those same limitations to intelligence agencies this year by Executive order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ALEXANDER-HOLDER EXCHANGE ON INVESTIGATION OF INTERROGATION TACTICS

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

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

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

Senator ALEXANDER: My second question would be: Should you follow these facts

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

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

Senator ALEXANDER: If you're going to investigate the lawyers whose opinion was asked about whether this is legal or not, I would assume you could also go to the people who created the techniques, the officials who approved them, and the members of Congress who knew about them and may have encouraged them.

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

Senator ALEXANDER: My last question is, once we begin this process, where is the line drawn? According to former intelligence officials, renditions, and by renditions we mean moving captured people from our country to another country where they might be interrogated or even worse. Those renditions were used by the Clinton Administration beginning in the mid-1990s to investigate and disrupt al-Qaeda. That's the testimony before Congress by Michael Shoyer. He said they began in the late summer of 1995, ''I authored it, I ran it, I managed it against al-Qaeda leaders.'' The Washington Post says the former director of the Central Intelligence Agency, George Tenet, said there were about seventy renditions carried about before Sept. 11, 2001; most of them during the Clinton years. Mr. Attorney General, you were the Deputy Attorney General from 1997–2001. Did you know about these renditions? Did you or anyone else at the Department of Justice approve them? What precautions were taken to ensure these renditions, any interrogations of such detainees on by or behalf of the US Government complied with the law?

Attorney General HOLDER: I think the concern that we have with renditions is renditions to countries that would not treat suspects in a way that's consistent with the laws and treaties that we have signed. If there is a rendition taking a person to a place where that person might be tortured? That's the kind of rendition that I think is inappropriate. My memory of my time in the Clinton Administration, I don't believe that we did that—that we had renditions where people were taken to places where we had any reasonable belief that they were going to be tortured. That would be the concern that I would have. I wouldn't want to restrict the ability of our government to use all the techniques that we can to keep the American people safe, but in using those tools, we have to do so in a way that's consistent with our treaty obligations and values as a nation.

Senator ALEXANDER: But I think you can see the line of my inquiry which is that if we're going to ask lawyers who were asked their legal opinions, if we're going to investigate them, jeopardize their career, second guess them, look back, then where does that stop? Do we not also have to look at the people who asked for those techniques, people who approved those techniques, the members of Congress who knew about and encouraged those techniques perhaps, or in your case, in the Clinton Administration, we don't know what the interrogations were then. Perhaps you do and perhaps the question would be whether you approved them. I prefer President Obama's approach. I think it's time to look forward and I hope he sticks to that point of view.

Attorney General HOLDER: Well, I will note that the OPR inquiries we've done in the prior administration, and also note that I'm a prosecutor. I've been a career prosecutor and I hope a good one. A good prosecutor uses the discretion that he or she has in an appropriate way and has the ability to know how far an inquiry needs to go to satisfy the obligations that that prosecutor has without needlessly dragging into an investigation at great expense, both personal and professional, people who should not be there and that will be the kind of judgment that I hope I will bring to making the determinations that you express concern about.

Mr. ALEXANDER. Mr. President, I also ask unanimous consent to have printed in the RECORD the statement before the House Committee on Foreign Affairs of Michael F. Scheuer, former Chief of the CIA's Bin Laden Unit, in which he says:

The CIA's rendition program began in late summer, 1995. I authored it, and then ran and managed it against al-Qaeda leaders and other Sunni Islamists from August 1995 until June 1999.

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

STATEMENT BEFORE THE HOUSE COMMITTEE ON FOREIGN AFFAIRS, SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS, AND OVERSIGHT SUBCOMMITTEE ON EUROPE

EXTRAORDINARY RENDITION IN U.S. COUNTER TERRORISM POLICY: THE IMPACT ON TRANSATLANTIC RELATIONS

(Statement by Michael F. Scheuer, Former Chief, Bin Laden Unit, CIA, Apr. 17, 2007)

THE RENDITION PROGRAM

The CIA's Rendition Program began in late summer, 1995. I authored it, and then ran and managed it against al-Qaeda leaders and other Sunni Islamists from August, 1995, until June, 1999.

(A) There were only two goals for the program:

(1) Take men off the street who were planning or had been involved in attacks on U.S. or its allies.

(2) Seize hard-copy or electronic documents in their possession when arrested; Americans were never expected to read them.

(3) Interrogation was never a goal under President Clinton. Why?

—Because it would be a foreign intelligence or security service without CIA present or in control.

—Because the take from the interrogation would be filtered by the service holding the individual, and we would never know if it was complete or distorted.

—Because torture might be used and the information might be simply what an individual thought we wanted to hear.

(B) The Rendition Program was initiated because President Clinton, and Messrs. Lake, Berger, and Clarke requested that the CIA begin to attack and dismantle AQ. These men made it clear that they did not want to bring those captured to the U.S. and hold them in U.S. custody.

(1) President Clinton and his national security team directed the CIA to take each captured al-Qaeda leader to the country which had an outstanding legal process for him. This was a hard-and-fast rule which greatly restricted CIA's ability to confront al-Qaeda because we could only focus on al-Qaeda leaders who were wanted somewhere. As a result many al-Qaeda fighters we knew were dangerous to America could not be captured.

(2) CIA warned the president and the National Security Council that the U.S. State Department had and would identify the countries to which the captured fighters were being delivered as human rights abusers.

(3) In response, President Clinton et. al asked if CIA could get each receiving country to guarantee that it would treat the person according to its own laws. This was no problem and we did so.

—I have read and been told that Mr. Clinton, Mr. Burger, and Mr. Clarke have said since 9/11 that they insisted that each receiving country treat the rendered person it received according to U.S. legal standards. To the best of my memory that is a lie.

(C) After 9/11, and under President Bush, rendered al-Qaeda operatives have most often been kept in U.S. custody. The goals of the program remained the same, although Mr. Bush's national security team wanted to use U.S. officers to interrogate captured al-Qaeda fighters.

(1) This decision by the Bush administration allowed CIA to capture al-Qaeda fighters we knew were a threat to the United States without on all occasions being dependent on the availability of another country's outstanding legal process. This decision made the already successful Rendition Program even more effective.

(D) The following particulars about the Rendition Program may be of interest to you.

(1) From its start until today, the Program was focused on senior al-Qaeda leaders and not aimed at the rank-and-file members. With only limited manpower to conduct the Rendition Program, CIA wanted to inflict as much damage on al-Qaeda as possible and therefore focused on senior leaders, financiers, terrorist operators, field commanders, strategists, and logisticians.

(2) To the best of my knowledge, not a single target of rendition has ever been kidnapped by CIA officers. The claims to the contrary by the Swedish government regarding Mr. Aghiza and his associate, and those by the Italian government regarding Abu Omar, are either misstatements or lies by those governments.

—Indeed, it is passing strange that European leaders are here today to complain about very successful and security enhancing U.S. Government counterterrorism operations, when their European Union (EU) presides over the earth's single largest terrorist safe haven, and has done so for a quarter century. The EU's policy of easily attainable political asylum and its prohibition against deporting wanted or convicted terrorists to country's with the death penalty have made Europe a major, consistent, and invulnerable

source of terrorist threat to the United States.

(3) Each and every target of a rendition was vetted by a battery of lawyers at CIA and not infrequently by lawyers at the National Security Council and the Department of Justice. For each rendition target, I, and then my successors as the chief of the bin Laden/al-Qaeda operations, had to prepare and present a written brief citing and explaining the intelligence information that made the rendition target a threat to the United States and/or its allies. If the brief persuaded the lawyers, the operation went ahead. If the brief was insufficient, the lawyers disapproved and no operation was conducted against that target until additional reliable evidence was collected.

—Let me be very explicit and precise on this point. Not one single al-Qaeda leader has ever been rendered on the basis of any CIA officer's ''hunch'' or ''guess'' or ''caprice.'' These are scurrilous accusations that became fashionable after the Washington Post's correspondent Dana Priest revealed information that damaged U.S. national security and, as result, won a journalism prize for abetting America's enemies, and when such lamentable politicians as Senators McCain, Rockefeller, Graham, and Levin followed Ms. Priest's lead and began to attack the men and women of CIA who had risked their lives to protect America under the direct orders of two U.S. presidents and with the full knowledge of the intelligence committees of the United States Congress. Both Ms. Priest and the gentlemen just mentioned have behaved disgracefully, and ought to publicly apologize to the CIA's men and women who have executed the Rendition Program.

(4) To proceed, the Rendition Program has been the single most effective counterterrorism operation ever conducted by the United States government. Americans are safer today because of the program, but that degree of safety will ebb as the Senators just mentioned slowly but surely destroy the program. If there are those in this Congress, in the media, in this country, or in Europe who believe that we would be safer if Khalid Shaykh Muhammed, Abu Zubaydah, Mr. Hambali, Ibn Shaykh al-Libi, Khalid bin Attash, and several dozen other senior al-Qaeda leaders were still free and on the street, then the educational systems and the reservoirs of common sense on both sides of the Atlantic are in much more dilapidated shape than I thought.

(5) On the issue of how rendered al-Qaeda leaders have been treated in prison, I am unable to speak with authority about the conditions these men found in the Middle Eastern prisons they were delivered to at President Clinton's direction. I would not, however, be surprised if their treatment was not up to U.S. standards, but this is a matter of no concern as the Rendition Program's goal was to protect America and the rendered fighters delivered to Middle Eastern governments are now either dead or in places from which they cannot harm America. Mission accomplished, as the saying goes.

Under President Bush, the rendered al-Qaeda fighters held in U.S. custody have been treated according to guidelines that were crafted by U.S. government lawyers, approved by the Executive Branch, and briefed to and permitted by at least the four senior members of the two congressional intelligence oversight committees.

(6) Finally, I will close by saying that mistakes may well have been made during my tenure as the chief of CIA's bin Laden operations, and, if there were errors, they are my responsibility. Intelligence information is not the equivalent of court-room-quality evidence, and it never will be. But I will again stress that no rendition target was ever approved or captured without a written brief composed of intelligence information that persuaded competent U.S. government legal authorities. If mistakes were made, I can only say that that is tough, but war is a tough and confusing business, and a well-supported chance to take action and protect Americans should always trump other considerations, especially pedantic worries about whether or not the intelligence data is air tight.

—To destroy the Rendition Program because of a mistake or two or more would be to sacrifice the protection of Americans to venal and prize-hungry reporters like Ms. Priest, grandstanding politicians like those mentioned above, and effete sanctimonious Europeans who take every bit of American protection offered them while publicly damning and seeking jail time for those who risk their lives to provide the protection. If the Rendition Program is halted, we will truly be able to say, by paraphrasing the late film actor John Wayne, that: War is tough, but it is a lot tougher if you are deliberately stupid.

Mr. ALEXANDER. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

TAX BURDEN AND BAILOUTS

Mr. KYL. Mr. President, first, I would like to ask unanimous consent that two op-eds be printed in the RECORD. Let me identify them both.

The first is a piece in the Washington Post of today by Robert Samuelson, titled ''Tax Dodge Myths.'' I think he is one of the best economists and writers in this country. He always has something very useful to say, and his column today made the point that it would be folly for the United States to add a tax burden on American corporations such as Coca-Cola, IBM, Microsoft, Caterpillar—companies like that—that are multinational in the sense that they do business here but also do business in other countries.

It simply makes no sense to add a tax burden onto them as if they are doing something unpatriotic by selling our products in other countries as well as in the United States.

The other is a piece called ''The Chrysler Power Grab.'' It was carried in the Arizona Republic on May 6 of this year and was written by the finest columnist in Arizona. His name is Bob Robb.

In this column, he notes the irony of the fact that the United States has been bailing out two American companies—Chrysler and General Motors—for the purpose of saving American jobs, when in point of fact it looks as though a lot of the results of this action are going to be to transfer jobs to other countries and ironically to compete with companies that may be owned abroad, such as Toyota, but have a lot of American workers. He talks about the fact that Fiat, an Italian company, is hard to distinguish from Toyota, a Japanese company, but we are apparently saving the jobs for Fiat but not those for Toyota.

In any event, I think these are two interesting columns, and I ask unanimous consent that they be printed in the RECORD.

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

[From the Washington Post, May 11, 2009]

TAX DODGE MYTHS

(By Robert J. Samuelson)

The U.S. tax code is ''full of corporate loopholes that makes it perfectly legal for companies to avoid paying their fair share.''—President Obama, May 4.

Like it or not, ours is a world of multinational companies. Almost all of America's brand-name firms (Coca-Cola, IBM, Microsoft, Caterpillar) are multinationals, and the process works both ways. In 2006, the U.S. operations of foreign firms employed 5.3 million workers. Fiat's looming takeover of Chrysler reminds us again that much business is transnational.

For most people, the multinational company is a troubling concept. Loyalty matters. We like to think that ''our companies'' serve the broad national interest rather than just scouring the world for the cheapest labor, the laxest regulations and the lowest taxes. And the tax issue is especially vexing: How should multinationals be taxed on the profits they make outside their home countries?

Listen to President Obama, and the status quo seems a cesspool. Pervasive ''loopholes'' engineered by ''well-connected lobbyists'' allow U.S. multinationals to skirt American taxes and outsource jobs to low-tax countries. So the president proposes plugging loopholes. Some jobs will return to the United States, he said, and U.S. tax coffers will grow by $210 billion over the next decade.

Sounds great—and that's how the story played. ''Obama Targets Overseas Tax Dodge,'' headlined The Post. But the reality is murkier; the president's accusatory rhetoric perpetuates many myths.

Myth: Aided by those overpaid lobbyists, American multinationals are taxed lightly—less so than their foreign counterparts.

Reality: Just the opposite. Most countries don't tax the foreign profits of their multinational firms at all. Take a Swiss multinational with operations in South Korea. It pays a 27.5 percent Korean corporate tax on its profits and can bring home the rest tax-free. By contrast, a U.S. firm in Korea pays the Korean tax and, if it returns the profits to the United States, faces the 35 percent U.S. corporate tax rate. American companies can defer the U.S. tax by keeping the profits abroad (naturally, many do), and when repatriated, companies get a credit for foreign taxes paid. In this case, they'd pay the difference between the Korean rate (27.5 percent) and the U.S. rate (35 percent).

Myth: When US. multinationals invest abroad, they destroy American jobs.

Reality: Not so. Sure, many U.S. firms have shut American factories and opened plants elsewhere. But most overseas investments by U.S. multinationals serve local markets. Only 10 percent of their foreign output is exported back to the United States, says Harvard economist Fritz Foley. When Wal-Mart opens a store in China, it doesn't close one in California. On balance, all the extra foreign sales create U.S. jobs for management, research and development (almost 90 percent of American multinationals' R&D occurs in the United States), and the export of components. A study by Foley and economists Mihir Desai of Harvard and James Hines of the University of Michigan estimates that for every 10 percent increase in U.S. multinationals' overseas payrolls, their American payrolls increase almost 4 percent.

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

Reality: Dream on. The estimated $210 billion revenue gain over 10 years—money already included in Obama's budget—represents only six-tenths of 1 percent of the decade's tax revenue of $32 trillion, as projected by the Congressional Budget Office. Worse, the CBO reckons that Obama's endless deficits over the decade will total a gut-wrenching $9.3 trillion.

Whether Obama's proposals would create any jobs in the United States is an open question. In highly technical ways, Obama would increase the taxes on the foreign profits of U.S. multinationals by limiting the use of today's deferral and foreign tax credit. Taxing overseas investment more heavily, the theory goes, would favor investment in the United States.

But many experts believe his proposals would actually destroy U.S. jobs. Being more heavily taxed, American multinational firms would have more trouble competing with European and Asian rivals. Some U.S. foreign operations might be sold to tax-advantaged foreign firms. Either way, supporting operations in the United States would suffer. ''You lose some of those good management and professional jobs in places like Chicago and New York,'' says Gary Hufbauer of the Peterson Institute.

Including state taxes, America's top corporate tax rate exceeds 39 percent; among wealthy nations, only Japan's is higher (slightly). However, the effective U.S. tax rate is reduced by preferences—mostly domestic, not foreign—that also make the system complex and expensive. As Hufbauer suggests, Obama would have been better advised to cut the top rate and pay for it by simultaneously ending many preferences. That would lower compliance costs and involve fewer distortions. But this sort of proposal would have been harder to sell. Obama sacrificed substance for grandstanding.

[From the Arizona Republic]

THE CHRYSLER POWER GRAB

The proposed end games for General Motors and particularly Chrysler illustrate why government shouldn't have gotten involved in the first place.

It's worthwhile to begin with the broader picture. Americans used to buy about 17 million new cars and trucks a year. Now, we're buying less than 10 million. That, of course, puts considerable stress on manufacturers with weaker products or financial structures.

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

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

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

The proposed Chrysler restructuring gives the lie to both rationales.

Under the Obama administration's proposal, Chrysler would, in essence, be given to Fiat, an Italian company, to operate.

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

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

The Obama administration's proposed restructuring is more than just unjustified, however. It dangerously undermines the rule of law, as explicated so beneficially by Friedrich Hayek in his classic, ''The Road to Serfdom.''

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

Chrysler has $6.9 billion in secured debt. Under the law, secured lenders have the first claim on the assets of the debtor in the event of non-payment.

The Obama administration is attempting to muscle past this law. Under its proposal, the health care trust of the auto workers' union, an unsecured creditor, would forgive 57 percent of what Chrysler owes it, and receive 55 percent of the company's equity in exchange. The federal government would forgive about a third of what it would loan Chrysler and receive 8 percent of the company's equity. Fiat would pay nothing for its 20 percent initial ownership.

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

The purposed GM restructuring is equally lopsided. The union trust would forgive half of what it is owed and receive 39 percent of the company. The government would forgive half of what it is owed and receive 50 percent of the company. The other private lenders, in this case unsecured, would forgive 100 percent of what they are owed and receive just 10 percent of the company.

In his recent press conference, Obama said he had no interest in owning or operating car companies. Until this point, I was willing to accept Obama at his word, while fundamentally disagreeing with his economic policies.

Given his actions, however, it's hard to credit his disclaimer in this instance.

These proposed restructurings are power grabs, pure and simple. The positions of lenders are eviscerated to give control to the union trust and the government. The emergent companies are given market preference through taxpayer financing and government warrantee guarantees. All to serve no true national purpose.

CONDUCTING U.S. GOVERNMENT BUSINESS

Mr. KYL. Mr. President, let me commend my colleague from Tennessee. I thought his remarks were right on the spot. When we start looking backward instead of forward, we want to be careful what we ask for because we just might get it, and it might be more than we bargained for.

There have been a lot of mistakes the United States has made, a lot we are not very proud of, and my colleague mentioned a couple of those. There were certainly things in the last Democratic administration for which, had some of the officials there had it to do over again, I am sure they would do over. There were things the Republican administration that succeeded the Clinton administration undoubtedly disagreed with, but it seems to me that President Bush has acquitted himself very well as a former President, not criticizing the administration he succeeded, and certainly not suggesting those disagreements should take the form of political trials or even criminal trials. It would be very unseemly for that to occur with respect to the Bush administration now that we have a new Obama administration.

But people who served previously in the Clinton administration, obviously those who served in the Congress and knew something about what went on, would certainly have to be prepared to defend themselves under these circumstances as well. It is just an unseemly way, it seems to me—and I agree with my colleague from Tennessee—for the U.S. Government to be conducting its business. So I commend my colleague, Senator ALEXANDER, for his statement.

GUANTANAMO BAY

Mr. KYL. Mr. President, on a related matter, the Guantanamo Bay detention facility and what we do about that—as everyone knows, our President fulfilled a campaign promise when he issued an Executive order to close the Guantanamo Bay detention facility.

Both President Bush and Secretary Gates had wanted to close it, but they were confronted with a very difficult problem: what to do with the prisoners at the facility.

President Obama now faces that same dilemma. Campaign rhetoric, it turns out, is one thing; governing is quite another.

There are far more questions than answers about what the administration will do with the prisoners at Guantanamo. Will it hold them? Where will it hold them? Will they be sent to the United States? Will they be kept in military facilities or in Federal prisons here in the United States? How will it guarantee that those who are released do not return to the battlefield?

We don't have answers, of course, to these questions. Yet the administration has asked Congress for $80 million, some of which, as is quite clearly stated in the language of the request, could be used to transfer these detainees to the United States.

Last week, during the House Appropriations Committee's markup of the President's supplemental appropriations request, the chairman struck the $80 million, noting that he could not defend the request because the administration does not have a plan for closure. As the Senate Appropriations Committee prepares to mark up the supplemental request this week, I urge the committee to follow the example of the House of Representatives. Majority Leader REID has just informed us that the Senate committee would ''fence'' the $80 million, meaning that it would release it only when there is a plan,

but the plan could be almost anything. Nor is there any assurance in the statement that no prisoners could come to the United States until October 1. That is not the kind of assurance that will get the Senate to support this request. As the majority leader said in his classically understated way: ''That looks like an issue that could cause a little bit of debate.'' I am sure he is absolutely correct about that. Surely, we can all agree that the Congress should not approve significant funding requests when we have no idea how the administration will use the funding. Moreover, the stakes are huge. The terrorist population at Guantanamo is dangerous. These are the worst of the worst, some of the most dangerous people in the world.

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

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

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

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

The prior administration has stated that 110 of these detainees should never be released because of the danger to the United States.

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

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

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

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

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

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

If you can't imagine these terrorists actually being tried in U.S. civilian courts, you might try to imagine a little harder. The most likely locations of trials are in Manhattan or Alexandria, VA—both very high population areas. The 2006 death penalty trial of Zacarias Moussaoui turned Alexandria into a virtual encampment, with heavily armed agents, rooftop snipers, bomb-sniffing dogs, blocked streets, identification checks, and a fleet of television satellite trucks.

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

If not in Federal prisons, perhaps military prisons. Well, not so fast. Former Deputy Assistant Secretary of Defense for Detainee Affairs noted that extensive work would have to be done on existing military brigs before Guantanamo detainees could be held there:

> You can't commingle them with military detainees, so you'd have to set up a separate wing or clear out the facility.

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

> And you would have to address secondary and tertiary—

in other words, security—

> concerns with the town, the county and the State.

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

This is why the Senate went on record voting against the proposition that these detainees be brought to the United States. In fact, the Senate agreed to the amendment offered by the senior Senator from Kentucky by a vote of 94 to 3. Among the people voting in support of this resolution were the Secretary of State, the Secretary of the Interior, and the Vice President himself while they were Members of this body. So key members of the Obama administration have agreed with the language of the amendment which was that Guantanamo detainees—and I am quoting now—''should not be . . . transferred stateside into facilities in American communities and neighborhoods.''

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

FEDERAL DEBT

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

But before we do that, I wish to consider the debt that the Federal Government is accruing—via the budget and stimulus spending—on the Nation's credit card. That is the debt that all American families will be responsible for repaying because, as it turns out, the comparisons between what you owe on your own credit card—the kind of bills you run up on your family credit card—are actually not very different from the debt we are running up on the Federal credit card, except, of course, that the Federal debt is much bigger.

But the reality is that you owe both: your family credit card debt and your portion of the national debt.

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

The budget relies on so much borrowing that it will cost taxpayers more than $4 trillion just to cover interest payments for the next 10 years—more than twice what the federal government will spend on education, energy, homeland security, and veterans combined.

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

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

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

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

What would that family's situation be like? First, let's focus on these hefty interest payments that I talked about. Say that the family's credit card has a typical annual rate of 10 percent, which would cost $3,800 a year or $316 a month. If the family misses a payment or two, the interest rate can shoot up to 20 or 30 percent a year. That means the family could be spending as much as $11,200 a year just on interest. That is nearly a third of its total debt and nearly a quarter of its total income—just on interest alone. That is owed in addition to the monthly minimum payments for the principal borrowed. Just as the Government has to, the family probably would need to borrow more to get by, and the downward spiral would get worse and worse.

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

A family with such massive debt would also be considered a big risk for other lenders, so it would be very difficult to go out and get more credit or a loan. This is the situation we are getting into with China, which currently holds almost 10 percent of our Nation's debt. The Chinese are saying to us: We are not sure you are a good credit risk in the future or that we want to lend you any more money. We are relying on the Chinese to continue buying that debt. But in mid-March, Chinese Premier Wen Jiabao voiced concerns about U.S. Government bond holdings. He said:

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

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

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

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

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

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

As the Post notes:

We, yes, but that is exactly what he does.

They conclude that:

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

The bottom line is, the budget sent to us by the President doesn't tackle the big issues, it doesn't reduce spending, it doesn't even cut existing programs substantially, with the net result that we are going to be taking on debt that will require financing of $4 trillion over the next 10 years. As was noted, that is not sustainable. We cannot pay for that, just as a family who makes $47,000 a year cannot afford to take on $38,000 in debt. That is the relative proportion.

One more time, the amount of debt we are taking on compared to our national income is the same ratio as a family making $47,000 taking on $38,000 of debt on their credit card. I am not talking about a 30-year mortgage on the house but something that has to be paid back at the end of the month. And if you don't pay it, your interest rate goes up to 25 or 30 percent. That is simply not sustainable.

I hope that by putting this into the context of a real family budget, it is clear to people this isn't some hypothetical, unrealistic comparison. When we take on this much debt at the Federal Government level, there are real consequences. When you talk about $3.3 million a day for each citizen of the United States to repay in interest alone, you see the magnitude of what we are taking on. We have never done this before in the history of the country. There is no experience of how we would possibly deal with this. This one budget, during this one 10-year window, accumulates more debt than all the debt in the United States in our entire history, from George Washington all the way through George W. Bush. In that 220-year history, we have less debt than is represented in this one budget. That is unsustainable.

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

I ask my colleagues, as we talk about the budget the President has announced, as we start working on the appropriations bills that will be coming from the Appropriations Committee, that we stop and think about

the amount of debt we are imposing on ourselves, our kids, and our grandkids. That debt will come due more quickly than we think. The consequences could be dire.

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

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

The legislative clerk proceeded to call the roll.

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

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

GUANTANAMO BAY

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

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

America has not been attacked at home since 9/11 because of the hard work of our Armed Forces, dedicated intelligence officials, the men and women at the Department of Homeland Security, and State and local law enforcement officials. But another reason we have not been attacked is because some of those most likely to do so are locked up down at Guantanamo. These inmates are not spectators. They are the enemy. They are the plotters, the planners, the funders, the ones who pull the trigger.

The administration says our country would be safer if Guantanamo is closed and its inmates are transferred overseas or onto U.S. soil. If people knew who was down there, I think they would disagree.

One of the men who is locked away safely at Guantanamo is Khalid Shaikh Mohammed, the man who actually organized the 9/11 attacks. We captured him while he was planning followup attacks to 9/11, including a plot to destroy a west coast skyscraper. If we had not captured Khalid Shaikh Mohammed, he may very well have succeeded in carrying out the same kind of attack on the west coast that he carried out on the east coast. This is a man who boasts about using his ''blessed right hand'' to decapitate the American journalist Daniel Pearl. And he is unrepentant. Earlier this year, Khalid Shaikh Mohammed joined a number of detainees at Guantanamo in declaring themselves ''terrorists to the bone'' and proclaiming September 11, 2001, as a ''blessed'' day.

Another inmate who still declares himself a ''terrorist to the bone'' is Ali Abd al-Aziz Ali, who served as a key lieutenant for KSM on several plots against the United States and the United Kingdom, including the 9/11 attacks. During what he described as the ''blessed 11 September operation,'' Ali transferred money to U.S.-based operatives and served as a sort of travel agent for some of the hijackers. This man is responsible for the deaths of thousands of Americans.

Another terrorist at Guantanamo who is responsible for the deaths of Americans is Abd al-Rahim al-Nashiri, who masterminded the attack on the USS Cole which killed 17 U.S. sailors in 2000. When he was arrested, Nashiri was planning new terrorist attacks, including a plot to crash an airplane into a Western naval vessel and a plan targeting a U.S. housing compound in Riyadh in Saudi Arabia.

These are just three of the men locked up safely and securely on an island miles from the United States in a facility that even the administration acknowledges to be humane and well run. Americans want these men kept out of our neighborhoods and off the battlefield, and Guantanamo guarantees that. Closing this facility by an arbitrary deadline without an alternative is irresponsible and it is dangerous. It is unacceptable to the American people and unacceptable to an increasing number of lawmakers on both sides of the aisle.

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

NATIONAL POLICE WEEK

Mr. MCCONNELL. Mr. President, this week we commemorate National Police Week, recognizing the service and sacrifice of the men and women across America in law enforcement. We especially honor those peace officers who have been tragically killed in the line of duty while protecting our communities and safeguarding our democracy.

Over 25 years ago, I served as a county executive in Jefferson County, KY, which includes my hometown of Louisville. I got to work with the county's police force and witnessed up close their dedication and their professionalism. In Jefferson County, we pioneered new techniques for tracking down abducted children that met with much success—enough success that other jurisdictions adopted these techniques, eventually leading to Congressional establishment of the National Center for Missing and Exploited Children.

Decades later, peace officers in Louisville are still proud to protect and serve, even with their lives in the balance. And those we have lost are not forgotten. I was moved to read in my hometown paper recently an article about a memorial ceremony in Louisville coinciding with National Police Week. Fellow officers and family members of fallen officers gathered to remember them and thank them for their service. Police forces across Kentucky reverently marked National Police Week as well. At a service in Richmond, Gov. Steve Beshear watched 120 police cadets march at the State Law Enforcement Officers Memorial, while flags were presented to family members of those lost in the performance of their duties. This Friday in Covington, officers will honor their fallen brothers at the northern Kentucky law enforcement memorial.

This Senate has the deepest admiration and respect for police officers in every community in the Nation. We recognize their work is both an honorable job and a dangerous one. They bravely risk their lives for ours, and America is grateful.

Mr. President, I ask unanimous consent to have printed in the RECORD the full articles about the recent ceremonies in both Louisville and Richmond.

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

[From the Louisville Courier-Journal, May 8, 2009]

FALLEN POLICE OFFICERS HONORED AT JEFFERSON SQUARE SERVICE: COURAGE, COMMITMENT TO DUTY ARE HONORED

(By Jessie Halladay)

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

Her husband, Forest Hills Police Chief Randy Wells, was killed in October 2007 while working an off-duty traffic detail.

Yesterday, Wells joined other family members and friends of officers killed in the line of duty to remember and pay their respects during a service at Jefferson Square downtown.

''It's wonderful that they remember,'' Wells said. ''It's very heartwarming, but it's heart-wrenching too.''

Members of the city's fraternal order of police lodges for several agencies helped plan the event, for which the University of Louisville police union was host.

''When their duty called, they laid down their life for their community, for us,'' U of L Officer Russell Fuller said during the ceremony. ''We will not let their actions fade into history.''

Memorials of this type mean a lot to those families left behind, said Jennifer Thacker, who spoke during the service. Thacker's husband, Brandon, was shot in April 1998 while working as an investigator for the Kentucky Department of Alcoholic Beverage Control. Thacker now serves as national president of the group Concerns of Police Survivors, or COPS.

She spoke to those attending about the value of always being a member of the law enforcement family.

''I found hope and courage through the support of others,'' she said.

Louisville Metro Police Chief Robert White attended yesterday's ceremony because he said it's important to pay respects and keep the memories alive of those who have died in the service of their community.

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

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

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

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

[From the Richmond Register, Apr. 28, 2009]

STATE ADDS 28 NAMES TO LAW ENFORCEMENT MEMORIAL

(By Bill Robinson)

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

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

In addition to the names of Harlan County Constable Joe Howard and Bell County Deputy Sean Pursifull, the names of 26 other officers who died in the line of duty between 1862 and 1993 were added to the memorial's wall of honor.

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

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

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

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

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

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

However, ''The heart and soul required of you, our protectors, never change,'' he said.

''I pray we never have to engrave any of your names, or any other peace officer, on this memorial.''

The 120 cadets who took part in the ceremony included members of the current Kentucky State Police Academy class.

''I'm proud to have protected this KSP Academy class from budget cuts,'' the governor said, ''because I know how important they will be to our state.''

The ceremony concluded with a 21–gun salute as a squad of seven officers fired three rifle volleys and a bugler played ''Taps.''

AUNG SAN SUU KYI

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

NEW YORK FED CHAIRMAN

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

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

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

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

It goes on to say:

> During that time, the New York Fed's chairman, Stephen Friedman, sat on Goldman's board and had a large holding in Goldman's stock, which because of Goldman's new status as a bank holding company was a violation of Federal Reserve policy. The New York Fed asked for a waiver, which, after about 2½ months, the Fed granted. While it was weighing the request, Mr. Friedman bought 37,300 more Goldman shares in December. They've since risen $1.7 million in value.

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

According to the article:

> [Mr. Friedman] says he checked with a Goldman lawyer to make sure there was no timing issue with such a purchase. He says he didn't check with the Fed. New York Fed lawyers say they didn't learn about his share purchase until the Journal raised questions about them in April. . . . [The day after receiving a waiver,] Mr. Friedman purchased 15,300 more Goldman shares. . . . That million-dollar purchase brought his holdings to 98,600 shares, according to the filings.

I find this unacceptable behavior. There is a reason the Federal Reserve has a policy prohibiting a chairman of any regional Fed bank from having any connections with regulated financial institutions. You do not want the regulator to have a personal financial interest in those being regulated.

I appreciate Mr. Friedman doing the right thing now and resigning. That is a good thing. However, too many officials have been acting in a way that suggests an erosion of propriety and the proper separation of interest.

Recently, we learned from the New York attorney general that Government officials may have threatened Bank of America CEO Ken Lewis to continue a merger with Merrill Lynch or lose his job. After he figured out it was going to be very bad for his stockholders and indicated he was not going through with it, they told him they would fire him if he didn't go through with it.

Some of the stories are unclear about how that all happened, but the issue does remain, and I will be interested to see what more we learn about this troubling matter when the House Committee on Oversight and Government Reform holds a hearing with Mr. Lewis and top Government officials, who will testify under oath.

Since last year, when then-Secretary Paulson told us we must act or the economy would go into collapse—and we heard those dire warnings repeatedly—we have seen more and more of these instances of impropriety and lack of wisdom.

Through TARP—the $700 billion bailout—a blank check with no accountability was given to the Government to do basically as it pleased. The money was given to the Secretary of the Treasury, and he met in private with many of these banks. Many of them were people he knew and were friends and buddies with, and he started allocating this $700 billion. It has continued now under Mr. Geithner, a man who previously was president of the Federal Reserve Bank of New York.

Last month, Neil Barofsky, the special inspector general overseeing this $700 billion bailout, issued a report stating he has opened 20 criminal investigations and 6 audits into whether

tax dollars are being misused or wasted.

I think we have entered a time in American history where the line between Government and free enterprise has become muddled more than ever. During good times and bad—but particularly during times such as today—the American system of capitalism and free enterprise should not be manipulated for the benefit of insiders. We expect the people who are setting policy to be independent and above that kind of action.

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

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

I will say to my colleagues in the Senate, that when we passed the TARP bill, I opposed it, and I said it was far too much a grant of power to one man—the Secretary of the Treasury—to allocate money that Congress should be appropriating. I raised that point, and it was one of my top objections. I believe history has shown the language in that bill was even more broad than we thought. Because, originally, we were told the money would be used to buy toxic mortgages from banks that were in trouble. That is what Mr. Paulson told us. That is what everybody thought they were voting on—except the language was much broader than that, if anybody took the time to read it.

As soon as he got the money, within a week or so, he had decided not to buy toxic assets but to buy stock in the banks. He bought stock in the banks. Then, pretty soon, he was buying stock in an insurance company—AIG—pumping half the money into one insurance company, and $40 billion of the money that went into AIG went to foreign banks to pay the claims those banks had against AIG, as it did with other banks. We, the taxpayers, became the guarantor of an insurance company's responsibilities, which was never discussed with the Senate, the House or the American people. They just did it.

The amount of money they committed was tremendous—I believe $170 billion; whereas, the Federal highway budget for the whole United States is just $40 billion, and the education budget for the United States, the Federal Government, is $100 billion.

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

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of H.R. 627, which the clerk will report.

The assistant legislative clerk read as follows:

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

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

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

Let me call up the amendment.

AMENDMENT NO. 1058

(Purpose: In the nature of a substitute)

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.)

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

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

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

This is not a new issue for me. I have been at credit card reform issues for actually more than 20 years. In the past I have not succeeded, candidly, reforming the credit card laws of our Nation. But in light of what has occurred over the last number of months and years, I think there is a greater indication of the need to step up and create

some real changes, given the conditions our constituents are living with, the number of people unemployed, the obvious problem of foreclosure rates, and the like.

This issue is finding a tipping point. I believe we have a wonderful opportunity to create some meaningful reforms, and nothing would please me more than to have that kind of strong bipartisan support for these changes.

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

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

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

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

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

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

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

My colleague from New York, Senator SCHUMER, has called this ''tripwire pricing,'' saying the whole business model of the credit card industry is not designed to extend credit but to induce mistakes and trap consumers into debt. I think he is absolutely right, unfortunately. This is an industry that has been thriving on misleading its consumers and its customers.

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

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

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

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

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

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

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

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

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

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

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

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

So it is time we do this—not for the President, not for the White House, not because the President would like it but, more importantly, because the American consumers deserve it in these times to get the help they need in this area.

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

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

Allow me to take, if I can, just a few minutes to explain how the provisions of this bill will work. First and foremost, this legislation prevents unfair and arbitrary increases in interest rates and changes in the terms of credit card contracts.

Why is this so important? I recently met Kristina Jorgensen, a graphic designer from Southbury, CT. She transferred her student loans to a credit card to take advantage of the low ''fixed rate'' offer, only to have the interest rates on that debt increase from 5 percent to 24 percent.

Her monthly payments increased by $260. She had to cash in her retirement IRAs to pay off the credit card debt, all because she paid 1 day late by phone. Let me repeat that: never in trouble before, saw an opportunity to pay off her student loans, she sent out, with that 5-percent rate she had because of her good record over the years, and all of a sudden, because she is 2 days late—one of them a Sunday, by the way, because she paid by phone, not through the mail—her rates went from 5 percent to 24 percent, thereby crippling her ability, draining off that IRA. She did not graduate from college a year or two ago. I will tell you she is far closer to my age than a high school senior or a college graduate's normal age.

So here she is at a point of retirement in her life where her IRA, her individual retirement account, now has been drained of a good part of its value because her rates went from 5 to 24 percent.

What happened to Ms. Jorgensen is wrong. Having one's retirement security wiped out is frightening under any circumstances. But it is positively terrifying in a recession.

Samantha Moore and her husband, a small business operator—Samantha is a paralegal from Guilford, CT—experienced a similar situation. She had her credit card interest rate raised from 12 percent to 27 percent. Why? Because she was 3 days late on a credit card payment for the first time in 18 years. She and her husband, who own a small business, saw their credit card limit drop from $31,000 to just over $4,000—the credit limits from $31,000 to just over $4,000, a small business, 3 days late, first time in 18 years, and they watched the rate jump to 27 percent, and their credit limits plummet to a point which pushes that business into jeopardy.

So I would ask my colleagues: What is a family in this economy supposed to do if they are counting on that credit card to help them through a medical crisis. That one patently unfair decision could mean the difference between scraping by during a recession and a financial catastrophe.

The legislation Senator SHELBY and I have put together prevents credit card companies from unjustifiable ''anytime, any reason'' rate increases on existing balances for people such as Samantha and Kristina.

Our bill also prohibits credit card issuers from increasing rates on a cardholder in the first year after a credit card account is opened and requires promotional rates to last at least 6 months.

Our bill prohibits issuers from changing the terms governing the repayment of an outstanding balance. For the first time ever we put provisions in place that ensure that risk-based pricing will not always work against the consumer and drive up rates.

This legislation says, if your issuer has raised your rate since the beginning of the year, they have to review your account within 6 months and bring the rate back down if the review warrants it, thus putting an end to the kind of risk-based pricing that always costs the consumer more and never less.

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

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

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

Now, I am not suggesting the consumer does not bear a responsibility. But in the past there was a responsibility exercised on both sides of that equation, a borrower and lender. Here lately, of course, that equation has been disrupted. Today we have repeatedly heard about cardholders being charged enormous fees for unknowingly going a few dollars over their credit limit.

Our bill prohibits issuers from charging hidden over-the-limit fees. It says if cardholders want to go over their card limit, they have to ''opt in'' with their issuer, putting the choice of going over the credit card limit and paying extra fees squarely in the hands of consumers, not the banks.

Our bill also requires penalty fees to be reasonable and proportional to the violation. Further, our bill prevents companies from charging fees for customers making payments by mail, telephone, or electronically, and strengthens protections against excessive fees on low-credit, high-fee credit cards. The days of issuers unreasonably jacking up these fees to unreasonably high levels to make money on the backs of consumers will be over.

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

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

I thank a number of my colleagues who expressed a strong interest in that subject matter. There will be a study done on this issue. It is a complicated area, the interchange fees, but a lot of retail stores are deeply concerned about these fees, the excessive charges they believe exist. They would like to see some changes.

I have promised my colleagues who expressed an interest that we will take this up. I believe it is Senator CORKER of Tennessee who has written a stronger study provision than the one we had originally crafted. I thank him. I know he has a strong interest in this subject, as do other Members. We will get to the interchange fees at a later date. Certainly, a study would give us a better framework in which to consider legislation.

Fourth, our bill provides far better disclosure of card terms and conditions. One member of the credit card industry recently told Time magazine, ''The American people cannot manage their credit.'' Well, it is not hard to understand why. A quarter of a century ago, a typical credit card contract was about a page in length. Today, it is 30 times as long and 100 times more incomprehensible. You practically need a microscope to read what it says and a law degree to understand what it means. If this financial crisis has taught us anything, it is that consumers can only make responsible decisions if they have all the necessary information. The American consumer should not have to live in fear that a clause buried in the fine print of their credit card contract might someday be their financial undoing.

Our legislation also requires credit card issuers to provide far better disclosure of terms and conditions. The bill says cardholders must be given 45 days' notice of an interest rate increase. The bill mandates that issuers disclose to consumers when the card terms have changed, and it forces issuers to disclose how long it will take to pay off a card balance if you only make minimum payments, something our colleague from Hawaii, Senator

DAN AKAKA, has led the fight for over many years.

The bill also requires the Federal Reserve Board to post consumer credit card agreements on its Web site.

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

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

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

Sixth, this legislation includes robust protections for young people and students. Recently, my 7-year-old daughter received a credit card solicitation in the mail. We laughed it off, but it brings up a serious point. Young people—and ultimately their parents—are faced with an onslaught of credit card offers, often years before they turn 18, usually as soon as they set one foot on a college campus. Just as we saw in the mortgage crisis with lenders and borrowers, too often issuers offer cards to young people without verifying any ability to repay whatsoever. This is particularly true for students. According to Sallie Mae, college students graduate with an average credit card debt of more than $4,000. That is up from $2,900 just 4 years ago. Nearly 20 percent of college students have credit card balances of over $7,000.

Our bill requires issuers soliciting anyone under the age of 21 to obtain the signature of a parent or guardian or someone else who will take responsibility for the debt or proof that the applicant, as many are capable of doing under the age of 21, has some independent means of repayment. It prohibits increases in credit card limits unless that person who is a cosponsor or is jointly liable approves of the increase in writing. Our bill limits the kinds of prescreened offers that get so many young people into trouble.

I thank our colleague from New Jersey, Senator MENENDEZ, for his leadership on this issue. It is time to insist that credit card companies take into account a young person's ability to repay before allowing them to take on what is all too often a lifetime worth of debt. Very little we do in our legislation will be more important than these provisions. Many of my colleagues on the Banking Committee expressed a strong interest in these provisions. I don't have the statistics in front of me, but a significantly high percentage of students drop out of school because of the debt they have incurred. A lot of it is credit card debt, not just the student loans but the credit card debt.

That is also why the final component of our bill is so critical as well. That involves tougher penalties and enforcement. Credit card companies need to understand that if they violate the terms of an agreement with a cardholder, there will be serious consequences.

With this legislation, if your credit card company wrongly raises your rate, the company could pay as much as $5,000 per violation—even higher if the company is found to engage in a pattern or practice of violations. Our goal is not to be punitive, although I can understand why someone might want to be, given some of the practices that have gone on over the last number of years. Rather, we need to put in place strong incentives that will encourage these companies to act more responsibly in the first place.

Every one of these provisions I have mentioned is rooted in simple common sense; no more tricks, no more strings attached. Over and over, we have heard that consumers should act responsibly when it comes to credit cards. I agree completely. We all need to act more responsibly. But it is time the credit card companies were held to that same standard, and with this legislation they will be.

I thank Senators SCHUMER, AKAKA, MENENDEZ, TESTER, and KOHL on the committee, who have strongly supported the fight to protect consumers against predatory credit card practices. Senator CARL LEVIN of Michigan has been a champion of credit card protections for many years as well and generated some important ideas that are included in the bill Senator SHELBY and I are offering. For decades, their efforts have fallen on deaf ears but not this time.

Today, with practices so brazen and widespread, as our economy quite literally hangs in the balance, one thing is clear: This is the moment for credit card reform. Our economy will not recover if we allow practices such as those I am talking about today that drive so many families deeper and deeper into debt. Americans do not deserve and cannot afford to be pushed down this economic ladder by credit card issuers any longer. This is a once-in-a-generation opportunity. In my view, we will never have a better opportunity to protect consumers than we do today with what we propose.

This legislation has been worked on extensively over the last number of weeks. We listened to a lot of people, including the issuers, to make sure what we are doing is fair and balanced and gets to the heart of the matter; that is, to cut out these excessive increases, without warrant, in rates and fees and penalties that I have mentioned.

Forty-six years ago, President John Kennedy delivered his special message to Congress on protecting consumer interest. In that speech, he established four very simple rights: the right to safety, the right to be informed, the right to choose, and, above all, the right to be heard, to be assured that consumer interests would receive full and sympathetic consideration in the formulation of Government policy. I cannot think of a single issue or moment where the need to act on principles articulated nearly half a century ago—and embraced by our current President and many in this Chamber of both political parties—was clearer or more urgently needed than those articulated by President Kennedy more than four decades ago.

I urge my colleagues to support this legislation, to stand up for American families who are already facing tremendous difficulties on a daily basis, with rising costs in energy and health care, the difficulty of holding on to their homes. All of these issues are confronting them. At the very least, having spent as much time as we have on dealing with stabilizing financial institutions, to take out a few days in all of the debate and stabilize American families by reducing outrageous and egregious practices that have added so many financial burdens to them is long overdue.

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

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

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

Amy Friend and Lynsey Graham, who are sitting here next to me, did a

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

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

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

75TH BIRTHDAY OF SENATOR JAMES JEFFORDS

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

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

Jim Jeffords went to college at Yale University and thereafter got a law degree from Harvard Law School. He served 3 years of Active Duty in the U.S. Navy and was in the Naval Reserves until he retired as captain in 1990.

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

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

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

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

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

> The climate is warming, it is due to human activity, and only a change in human behavior will ensure that my grandson, Patton Henry Jeffords, will not suffer the consequences.

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

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

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

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

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The Senator from Arizona.

UNANIMOUS CONSENT REQUESTS—H.R. 131

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

I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 131, the Ronald Reagan Centennial Commission Act. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Connecticut.

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

The PRESIDING OFFICER. Is there objection?

Mr. KYL. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The RECORD will so reflect.

The Senator from Michigan.

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

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

With home prices falling and unemployment rising, millions of Americans

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

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

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

The President has also heard those voices. He has made clear his support for ending abusive practices which cause so much pain and financial damage to American families, and he has called on Congress to send him a bill by the end of this month.

We can and we should meet that deadline. The House has acted. Their version of this bill passed the House on April 30 by a vote of 357 to 70, garnering support from a majority from both parties. A similar vote in the Senate on the CARD Act will send a strong message that standing up for the American taxpayer and consumer is a bipartisan priority.

Under this bill, card issuers will no longer be able to engage in the abusive business practice of first extending credit at one interest rate, and then unilaterally jacking up the interest rate after the money is owing. Our bill doesn't restrict fair lending; it only affects credit card companies that engage in irresponsible lending practices that bury people unfairly in debt, the sort of debt that the companies often don't even expect to fully recover, but profit from nonetheless, through the extraction of fees and interest.

Some argue that it is the role of regulators, not Congress, to combat unfair lending practices. But for years Federal regulators have not taken up that task. Instead, they stood largely by silently while deceptive and unfair practices became entrenched in the credit card industry. The Federal Reserve, in particular, charged with issuing credit card regulations, failed to take action until congressional hearings and public outrage forced attention on credit card abusers.

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

But the regulation, regrettably, leaves in place blatantly unfair credit card practices that mire families in debt. It fails to stop, for example, abuses such as charging interest on debt that was paid on time, charging people a fee simply to pay their bills, and hiking interest rates on a credit card because of a misstep on another unrelated debt, a practice known as universal default. It doesn't stop the charging of interest on fees. Legislation is needed not only to end those abusive practices that are not prohibited by the Federal Reserve regulation, but also to provide a statutory foundation for the new credit card regulation so that it cannot be weakened or withdrawn in the future.

The Dodd-Levin bill, as introduced, banned each of these unfair practices that were still allowed by the Federal Reserve rules. The substitute introduced today would not go as far as the Dodd-Levin bill, but offers a good compromise with strong consumer protections that ought to attract widespread support in the Senate. The substitute remains stronger, for example, than both the Federal Reserve credit card regulations and the House credit card bill in a number of ways. For example, it would prohibit retroactive interest hikes for cardholders who pay their bills on time and would allow them only for those who pay more than 60 days late. Even then, if would require banks to restore a lower interest rate for persons who had paid 60 days late but then made 6 months of on-time payments. The bill would also prohibit interest charges for debt that is paid on time, a key consumer protection for which I have been fighting for years. In addition, the bill would put its consumer protections in place 9 months from now instead of the longer regulatory deadline of July 2010 or the 1-year delay in the House bill.

The bill, of course, will not only help protect consumers and ensure their fair treatment, but it will also make certain that credit card companies that are willing to do the right thing are not put at a competitive disadvantage by companies continuing unfair practices.

In 2006, Americans used 700 million credit cards to buy about $2 trillion in goods and services. The average family has five credit cards. Credit cards are being used to pay for groceries, mortgage payments, and even taxes. And they are saddling U.S. consumers, from college students to seniors, with a mountain of debt. The latest figures show that U.S. credit card debt is now approaching a trillion dollars. Credit cardholders are routinely being subjected to unfair practices that squeeze them for ever more money, sinking them further and further into debt.

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

For years now, we have been combating abusive credit card practices on our Permanent Subcommittee on Investigations, which I chair. The subcommittee held two investigative hearings in 2007, exposing those practices. I introduced legislation that same year, S. 1395, the Stop Unfair Credit Practices in Credit Cards Act. I am pleased that at that time we had so many cosponsors, including Senators MCCASKILL, LEAHY, DURBIN, BINGAMAN, CANTWELL, WHITEHOUSE, KOHL, BROWN, KENNEDY, and SANDERS. We followed that by introducing the Dodd-Levin bill in this Congress. It incorporated much of the previous Senate bill that I referred to, and it added other important protections as well. The Dodd-Levin bill then provided the foundation for the Dodd-Shelby substitute.

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

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

If I charge $5,000 in a month and pay off $2,500 by the due date—again, an amount far more than the minimum payment required—I will still be charged interest on the full $5,000 balance, starting with the first day of the

billing period. That policy is unfair, counterintuitive, and it is unknown to a vast majority of cardholders who pay the added interest. The CARD Act will return a commonsense interpretation of the grace period and simply prohibit the charging of interest on debt that is paid on time.

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

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

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

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

The first case history we examined illustrates the fact that major credit card issuers today impose a host of fees on their cardholders, including late fees and over-the-limit fees that are not only substantial in themselves but can contribute to years of debt for families unable to immediately pay them.

Wesley Wannemacher of Lima, OH, testified at our March 2007 hearing. In 2001 and 2002, Mr. Wannemacher used a new credit card to pay for expenses mostly related to his wedding. He charged a total of about $3,200, which exceeded the card's credit limit by $200. He spent the next 6 years trying to pay off the debt, averaging payments of about $1,000 per year. As of February 2007, he had paid about $6,300 on his $3,200 debt, but his billing statement showed he still owed $4,400.

How is it possible that a man pays $6,300 on a $3,200 credit card debt, but still owes $4,400? Here's how. On top of the $3,200 debt, Mr. Wannemacher was charged by the credit card issuer about $1,100 in late fees, $1,500 in over-the-limit fees, and about $4,900 in interest. He was hit 47 times with over-limit fees, even though he went over the limit only 3 times and exceeded the limit by only $200. Altogether, these fees and the interest charges added up to $7,500, which, on top of the original $3,200 credit card debt, produced total charges to him of $10,700.

In other words, the interest charges and fees more than tripled the original $3,200 credit card debt, despite payments by the cardholder averaging $1,000 per year. Unfair? Clearly, but our investigation has shown that exhorbitant interest charges and fees are not uncommon in the credit card industry.

The week before our March hearing, his credit card company decided to forgive the remaining debt on the Wannemacher account, and while that was great news for the Wannemacher family, that decision didn't begin to resolve the problem of excessive credit card fees and sky-high interest rates that trap too many hard-working families in a downward spiral of debt.

These high fees are made worse by the industry-wide practice of including fees in a consumer's outstanding balance in a manner that would also incur interest charges. Those interest charges magnify the cost of the fees and can quickly drive a family's credit card debt far beyond the cost of their initial purchases. It is one thing for a bank to charge interest on funds lent to a consumer; charging interest on penalty fees goes too far.

Another troubling case history involves Charles McClune, a 51-year-old Michigan resident who is married with one child. Mr. McClune had a credit card account which he closed in 1998, and has been trying to pay off for more than 10 years. Due to excessive fees and interest rates, and despite paying more than four times his original credit card debt of less than $4,000, Mr. McClune still owes thousands on his credit card, with no end in sight.

Mr. McClune first opened his credit card account while in college, in 1986, through a student-targeted credit promotion at a Michigan bank. After leaving college, the credit limit on his card was increased to $4,000. By 1993, although he had not exceeded the credit limit through purchases, Mr. McClune had missed some payments and was assessed interest and fees that pushed his balance over the $4,000 limit. From 1993 to 1996, he exceeded his limit again, on several occasions, due to interest and fee charges. He stopped making purchases on the credit card in 1995.

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

Chase also assessed Mr. McClune repeated over-the-limit and late fees, which began at $29 and increased over time to $39 per fee. Chase cannot locate statements for Mr. McClune's account prior to February 2001, so there is no record of all the fees he has paid. The records in existence show that, since February 2001, he has paid 64 over-the-limit fees totaling $2,200. Those fees stopped after the March 2007 hearing before my subcommittee, in which Chase promised to stop charging more than three over-the-limit fees for a single violation of a credit card limit. In addition to the 64 over-the-limit fees, since February 2001, Chase has charged Mr. McClune nearly $2,000 in late fees.

The records also show that since 2001, Mr. McClune was contacted on several

occasions by Chase representatives seeking payment on his account. If he agreed to make a payment over the telephone, Chase charged him—without notifying him at the time—a fee of $12 to $15 per telephone payment. When asked about these fees, Chase told the subcommittee that the fees were imposed, because on each occasion Mr. McClune had spoken with a ''live advisor.'' Since 2001, he has paid a total of $160 in these pay-to-pay fees.

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

In February 2001, Chase records show that Mr. McClune's credit card debt totaled nearly $5,200. For the next 7 years, although he did not pay every month, Mr. McClune paid nearly $2,000 per year toward his credit card debt, but was unable to pay it off. At one time, he paid $150 every 2 weeks for several weeks. Those payments did not bring his debt under the $4,000 credit limit, or reduce his interest rate.

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

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

How could Mr. McClune pay $15,000 to $20,000 on credit card purchases of less than $4,000, and still owe $3,300? His credit card statements since 2001 show that he was socked with over $9,700 in interest charges, $2,200 in over-the-limit fees, $2,000 in late fees, and $160 in pay-to-pay fees. All of these interest charges and fees were assessed by Chase while the account was closed and without a single purchase having been made since 1995. Despite his lack of purchases and payments totaling $15,800, Chase records show that, from February 2001 until June 2008, Mr. McClune was able to reduce his credit card balance by only about $1,850.

Mr. McClune is not trying to avoid his debt. He has made years of payments on a closed credit card account that he has not used to make a purchase in 13 years. He has paid thousands and thousands of dollars—four and possibly five times what he originally owed—in an attempt to pay off his credit card account. He is still paying. But his thousands of dollars in payments are not enough for his credit card issuer which is squeezing him for every cent it can, fair or not, for years on end.

Tragically, Mr. McClune and Mr. Wannemacher have a lot of company in their credit card experiences. The many case histories investigated by my subcommittee show that responsible cardholders across the country are being squeezed by unfair credit card lending practices involving excessive fee and interest charges. The current regulatory regime—even with the new Federal Reserve regulation—is insufficient to prevent these ongoing credit card abuses. Legislation is clearly needed.

Another galling practice featured in our hearings involves the fact that credit card debt that is paid on time routinely accrues interest charges, and credit card bills that are paid on time and in full are routinely inflated with what I call ''trailing interest.'' Every single credit card issuer contacted by the Subcommittee engaged in both of these unfair practices which squeeze additional interest charges from responsible cardholders.

Here's how it works. Suppose a consumer who usually pays his account in full, and owes no money on December 1st, makes a lot of purchases in December, and gets a January 1 credit card bill for $5,020. That bill is due January 15. Suppose the consumer pays that bill on time, but pays $5,000 instead of the full amount owed. What do you think the consumer owes on the next bill?

If you thought the bill would be the $20 past due plus interest on the $20, you would be wrong. In fact, under industry practice today, the bill would likely be twice as much. That is because the consumer would have to pay interest, not just on the $20 that wasn't paid on time, but also on the $5,000 that was paid on time. In other words, the consumer would have to pay interest on the entire $5,020 from the first day of the new billing month, January 1, until the day the bill was paid on January 15, compounded daily. So much for a grace period! In addition, the consumer would have to pay the $20 past due, plus interest on the $20 from January 15 to January 31, again compounded daily. In this example, using an interest rate of 17.99 percent, which is the interest rate charged to Mr. Wannamacher, the $20 debt would, in 1 month, rack up $35 in interest charges and balloon into a debt of $55.21.

You might ask—hold on—why does the consumer have to pay any interest at all on the $5,000 that was paid on time? Why does anyone have to pay interest on the portion of a debt that was paid by the date specified in the bill—in other words, on time? The answer is, because that's how the credit card industry has operated for years, and they have gotten away with it.

There is more. You might think that once the consumer gets gouged in February, paying $55.21 on a $20 debt, and pays that bill on time and in full, without making any new purchases, that would be the end of it. But you would be wrong again. It is not over.

Even though, on February 15, the consumer paid the February bill in full and on time—all $55.21—the next bill has an additional interest charge on it, for what we call ''trailing interest.'' In this case, the trailing interest is the interest that accumulated on the $55.21 from February 1 to 15, which is the time period from the day when the bill was sent to the day when it was paid. The total is 38 cents. While some issuers will waive trailing interest if the next month's bill is less than $1, if a consumer makes a new purchase, a common industry practice is to fold the 38 cents into the end-of-month bill reflecting the new purchase.

Now 38 cents isn't much in the big scheme of things. That may be why many consumers don't notice these types of extra interest charges or try to fight them. Even if someone had questions about the amount of interest on a bill, most consumers would be hard pressed to understand how the amount was calculated, much less whether it was incorrect. But by nickel and diming tens of millions of consumer accounts, credit card issuers reap large profits. I think it is indefensible to make consumers pay interest on debt which they pay on time. It is also just plain wrong to charge trailing interest when a bill is paid on time and in full.

My subcommittee's hearings also focused on another set of unfair credit card practices involving fair interest rate increases. Cardholders who had years-long records of paying their credit card bills on time, staying below their credit limits, and paying at least the minimum amount due, were nevertheless socked with substantial interest rate increases. Some saw their credit card interest rates double or even triple. At the hearing, three consumers described this experience.

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

inexplicably increased and unfairly applied, ate up most of her payments.

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

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

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

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

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

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

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

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

RENEWABLE ENERGY PERMITTING ACT

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

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

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

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

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

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

Our goal, is to do this right from the beginning. That means responsibly developing our vast renewable energy resources and to give States and communities new economic development opportunities that will create sustainable growth and grow the clean energy industry locally.

Senator ENSIGN and I have a long history of working together to overcome the challenges Nevada faces because of the significant presence of Federal land in our State. Our efforts have made those lands work for Nevadans from all walks of life.

I look forward to continuing these efforts with my friend Senator ENSIGN.

SILVER STAR RECIPIENTS

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

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

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

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

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

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

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

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

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

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

[From The Washington Post, Dec. 12, 2008]

10 GREEN BERETS TO RECEIVE SILVER STAR FOR AFGHAN BATTLE

(By Ann Scott Tyson)

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

''Our plan,'' Capt. Kyle M. Walton recalled in an interview, ''was to fight downhill.''

But as the soldiers maneuvered toward a cluster of thick-walled mud buildings constructed layer upon layer about 1,000 feet farther up the mountain, insurgents quickly manned fighting positions, readying a barrage of fire for the exposed Green Berets.

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

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

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

But as the soldiers, each carrying 60 to 80 pounds of gear, scaled the mountain, they could already spot insurgents running to and fro, they said. As the soldiers drew closer, they saw that many of the mud buildings had holes in the foot-thick walls for snipers. The U.S. troops had maintained an element of surprise until their helicopters turned into the valley, but by now the insurgent leaders entrenched above knew they were the targets, and had alerted their fighters to rally.

Staff Sgt. Luis Morales of Fredericksburg was the first to see an armed insurgent and opened fire, killing him. But at that moment, the insurgents began blasting away at the American and Afghan troops with machine guns, sniper rifles and rocket-propelled grenades—shooting down on each of the U.S. positions from virtually all sides.

''All elements were pinned down from extremely heavy fire from the get-go,'' Walton said. ''It was a coordinated attack.'' The insurgent Afghan fighters knew there was only one route up the valley and ''were able to wait until we were in the most vulnerable position to initiate the ambush,'' said Staff Sgt. Seth E. Howard, the team weapons sergeant.

Almost immediately, exposed U.S. and Afghan troops were hit. An Afghan interpreter was killed, and Staff Sgt. Dillon Behr was shot in the hip.

''We were pretty much in the open, there were no trees to hide behind,'' said Morales, who with Walton pulled Behr back to their position. Morales cut open Behr's fatigues and applied pressure to his bleeding hip, even though Morales himself had been shot in the right thigh. A minute later, Morales was hit again, in the ankle, leaving him struggling to treat himself and his comrade, he said. Absent any cover, Walton moved the body of the dead Afghan interpreter to shield the wounded.

Farther down the hill in the streambed, Master Sgt. Scott Ford, the team sergeant, was firing an M203 grenade launcher at the fighting positions, he recalled. An Afghan commando fired rocket-propelled grenades at the windows from which they were taking fire, while Howard shot rounds from a rocket launcher and recoilless rifle.

Ford, of Athens, Ohio, then moved up the mountain amid withering fire to aid Walton at his command position. The ferocity of the attack surprised him, as rounds ricocheted nearby every time he stuck his head out from behind a rock. ''Typically they run out of ammo or start to manage their ammo, but . . . they held a sustained rate of fire for about six hours,'' he said.

As Ford and Staff Sgt. John Wayne Walding returned fire, Walding was hit below his right knee. Ford turned and saw that the bullet ''basically amputated his right leg right there on the battlefield.''

Walding, of Groesbeck, Tex., recalled: ''I literally grabbed my boot and put it in my crotch, then got the boot laces and tied it to my thigh, so it would not flop around. There was about two inches of meat holding my leg on.'' He put on a tourniquet, watching the blood flow out the stump to see when it was tight enough.

Then Walding tried to inject himself with morphine but accidentally used the wrong tip of the syringe and put the needle in his thumb, he later recalled. ''My thumb felt great,'' he said wryly, noting that throughout the incident he never lost consciousness. ''My name is John Wayne,'' he said.

Soon afterward, a round hit Ford in the chest, knocking him back but not penetrating his body armor. A minute later, another bullet went through his left arm and shoulder, hitting the helmet of the medic, Staff Sgt. Ronald J. Shurer, who was behind him treating Behr. An insurgent sniper was zeroing in on them.

Bleeding heavily from the arm, Ford put together a plan to begin removing the wounded, knowing they could hold out only for so long without being overrun. By this time, Air Force jets had begun dropping dozens of munitions on enemy positions precariously close to the Green Berets, including 2,000-pound bombs that fell within 350 yards.

''I was completely covered in a cloud of black smoke from the explosion,'' said Howard, and Behr was wounded in the intestine by a piece of shrapnel.

The evacuation plan, Ford said, was that ''every time they dropped another bomb, we would move down another terrace until we basically leapfrogged down the mountain.'' Ford was able to move to lower ground after one bomb hit, but insurgent fire rained down again, pinning the soldiers left behind.

''If we went that way, we would have all died,'' said Howard, who was hiding behind 12-inch-high rocks with bullets bouncing off about every 10 seconds. Insurgents again nearly overran the U.S. position, firing down from 25 yards away—so near that the Americans said they could hear their voices. Another 2,000-pound bomb dropped ''danger

close,'' Howard said, allowing the soldiers to get away.

Finally, after hours of fighting, the troops made their way down to the streambed, with those who could still walk carrying the wounded. A medical evacuation helicopter flew in, but the rotors were immediately hit by bullets, so the pilot hovered just long enough to allow the in-flight medic to jump off, then flew away.

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

By the time the battle ended, the Green Berets and the commandos had suffered 15 wounded and two killed, both Afghans, while an estimated 150 to 200 insurgents were dead, according to an official Army account of the battle. The Special Forces soldiers had nearly run out of ammunition, with each having one to two magazines left, Ford said.

''We should not have lived,'' said Walding, reflecting on the battle in a phone interview from Fort Bragg, N.C., where he and the nine others are to receive the Silver Stars today. Nine more Green Berets from the 3rd Special Forces Group will also receive Silver Stars for other battles. About 200 U.S. troops serving in Iraq and Afghanistan have received the Silver Star, the U.S. military's third-highest combat award.

MASTER SERGEANT SCOTT E. FORD, UNITED STATES ARMY

FOR GALLANTRY

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

STAFF SERGEANT LUIS G. MORALES, UNITED STATES ARMY

FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Intelligence Sergeant, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force–33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. Staff Sergeant Morales, although wounded, heroically ran back into the line of fire to retrieve wounded comrades and administered treatment to the wounded. His selfless acts in the face of enemy fire saved numerous lives. Staff Sergeant Morales' actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

STAFF SERGEANT JOHN W. WALDING, UNITED STATES ARMY

FOR GALLANTRY

in action on 6 April 2008, while serving as Senior Communications Sergeant, Special Forces Operational Detachment Alpha, Special Operations Task Force–33, in support of Operation Enduring Freedom. Staff Sergeant Walding acted without regard for his personal safety in leading an assault element up over 500 meters of uphill terrain under intense enemy fire in order to reinforce his detachment's beleaguered position. Once reaching the position, he was critically wounded by sniper fire, but continued to lay down suppressing fire so his unit could organize casualty retrieval. His extreme courage and selfless devotion to his fallow Soldiers in the face of a life-threatening injury inspired the entire assault force over the course of the six-hour firefight. Staff Sergeant Walding's actions are in keeping with the finest traditions of military service and reflect great credit upon himself, the Combined Joint Special Operations Task Force—Afghanistan, and the United States Army.

STAFF SERGEANT SETH E. HOWARD, UNITED STATES ARMY

FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Junior Weapons Sergeant, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force–33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. Staff Sergeant Howard bravely defended his comrades and refused to withdraw from his position until everyone was safe. His courageous efforts prevented the position from being overrun on two separate occasions, and his counter sniper fires helped save the lives of his fellow Soldiers and Afghan commandos. Staff Sergeant Howards' actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

SPECIALIST MICHAEL D. CARTER, UNITED STATES ARMY

FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Combat Cameraman, Special Forces Operational Detachment Alpha 3336. Special Operations Task Force–33, In support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. Specialist Carter exposed himself to insurgent fire in order to recover a critically wounded comrade, as well as a Satellite Communications Radio. Specialist Carter's actions aided in the re-establishment of communication with higher headquarters. He also shielded casualties from falling debris and assisted in an extremely dangerous and courageous rescue of more than six casualties. Specialist Carter's actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

STAFF SERGEANT DILLON L. BEHR, UNITED STATES ARMY

FOR GALLANTRY

in action on 6 April 2008, while serving as a communications sergeant, Special Forces Operational Detachment Alpha, Special Operations Task Force–33, in support of Operation Enduring Freedom. After insurgent forces ambushed his combined raid element, Staff Sergeant Behr acted with total disregard for his own safety, holding his position as bullets impacted within inches of him, even after sustaining a life-threatening wound to his leg and later after receiving a second critical wound. Over the course of the more-than-six-hour battle, Staff Sergeant Behr continued to engage and kill multiple enemies until he was no longer physically capable of holding his weapon. His tremendous courage and selfless devotion to his fellow Soldiers inspired his unit to continue to fight against overwhelming odds until relief arrived. Staff Sergeant Behr's actions are in keeping with the finest traditions of military service and reflect great credit upon himself, the Combined Joint Special Operations Task Force—Afghanistan, and the United States Army.

SERGEANT MATTHEW O. WILLIAMS, UNITED STATES ARMY

FOR GALLANTRY

in action on 6 April 2008. while under intense enemy fire as Weapons Sergeant, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force–33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. His actions directly attributed to the suppression of enemy combatants. Sergeant Williams' bravery allowed the patrol to evacuate the other soldiers without further casualties. Sergeant Williams' actions are in keeping with the finest traditions of military service and reflect great credit upon himself. Combined Joint Special Operations Task Force—Afghanistan, Operation Command Central, and the United States Army.

STAFF SERGEANT RONALD J. SHURER, UNITED STATES ARMY

FOR GALLANTRY

in action on 6 April 2008 while under intense enemy fire as Senior Medical Sergeant, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force–33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. Staff Sergeant Shurer rendered life saving aid to wounded casualties under his care. His ingenious actions saved the lives of numerous teammates. Staff Sergeant Shurer's actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

CAPTAIN KYLE M. WALTON, UNITED STATES ARMY

FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as the Team Commander, Special Forces Operational Detachment Alpha 3336, Special Operations Task Force–33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. He continued to maintain effective command and control of five different maneuver elements while repeatedly engaging enemy combatants. His unwavering combat leadership and poise under fire was directly responsible for saving the lives of United States and Afghan Soldiers. Captain Walton's leadership and bravery are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

SERGEANT DAVID J. SANDERS, UNITED STATES ARMY

FOR GALLANTRY

in action on 6 April 2008, while under intense enemy fire as Engineer Sergeant, Special Forces Operational Detachment Alpha

3336, Special Operations Task Force–33, in support of Operation Enduring Freedom. His personal courage and commitment to mission accomplishment are a testament to his bravery under fire. His heroic efforts to mark insurgent fighting positions with his grenade launcher was crucial for the delivery of on target ordinance that destroyed insurgent fighting positions and made possible the withdrawal of his element. His bravery, poise under fire, determination against a numerically superior force, and concern for his fallen comrades, were integral to the successful medical evacuation and movement of the rest of the force to the extraction point. Sergeant Sanders' actions are in keeping with the finest traditions of military service and reflect great credit upon himself, Combined Joint Special Operations Task Force—Afghanistan, Special Operations Command Central, and the United States Army.

CITATION TO ACCOMPANY THE AWARD OF THE BRONZE STAR MEDAL (WITH VALOR) TO ROBERT GUTIERREZ, JR.

Staff Sergeant Robert Gutierrez, Jr., distinguished himself by heroism as a Special Tactics Combat Controller, 21st Expeditionary Special Tactics Squadron, Combined Joint Special Operations Air Component while engaged in ground combat against an enemy of the United States in Afghanistan on 6 April 2008. On that day, Sergeant Gutierrez was attached to Army Special Forces Operational Detachment-Alpha 3312 as a Joint Terminal Attack Controller, in support of Operation COMMANDO WRATH. He provided critical Airmanship skills during a violent 6 and a half hour battle against heavily armed and entrenched enemy fighters. While approaching the objective, while climbing near-vertical terrain, the assault force was ambushed by anti-Coalition forces which pinned down the lead team on a 60-foot high rock cliff and produced several friendly casualties. Sergeant Gutierrez coordinated with the engaged element and directed lethal gun, missile, and bomb attacks from AH–64s and F–15Es. Despite these strikes, the attack intensified onto his team's position. Despite being struck twice by 7.62 millimeter bullets in the helmet, Sergeant Gutierrez maintained his calm demeanor and continued to prosecute targets. As the fight continued, the insurgents shifted their efforts toward arriving helicopters and engaged them with heavy fire. Sergeant Gutierrez coordinated with the ground force commander to delay friendly force extraction until the enemy positions could be suppressed. Enabled his systematic control of air power during the fight, all 17 friendly casualties were safely evacuated and 40 enemy fighters were killed. By his heroic actions and unselfish dedication to duty, Sergeant Gutierrez has reflected great credit upon himself and the United States Air Force.

REMEMBERING JACK KEMP

Mr. HATCH. Madam President, I wish to pay tribute to a great American and friend, former Congressman Jack Kemp. I was deeply saddened to learn of his passing and offer my sincerest condolences to his sweet wife Joanne; their four children, Jeffrey, Jennifer, Judith, and James; and 17 grandchildren. Jack has left a lasting impression and legacy that will be honored and long remembered by a grateful nation.

Jack came to Congress after 13 years as a professional football quarterback. His career in professional football demonstrates the value of persistence, self-confidence, and courage. Jack began his football career slowly and without much success. However, he was fiercely competitive and eventually led the Buffalo Bills to 33 victories and 2 league championships. He was selected All-League quarterback, AFL Player of the Year, Most Valuable Player, and appeared in five AFL championship games and seven AFL All-Star games. Jack was also recognized by Sporting News as one of the top 50 quarterbacks of all time. Sports taught him that the only real failure is not trying again and that out of adversity comes strength, determination, and ultimate victory.

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

Jack made the transition from athlete to politician in 1971, when he was elected to represent the 31st Congressional District of New York. He was an enthusiastic speaker, especially when the topic was tax revision, and was once told he talks ''as though somebody had pulled the trigger of a machine gun.'' I can certainly attest to that. However, it wasn't the way Jack talked that had everyone's attention; it was what he was saying. I would dare argue that much of what he was fighting for in the seventies and eighties still holds true today. For example, Jack argued that the U.S. Government should shoulder the burden of international leadership by becoming ''an active exporter of the American idea.'' In his view, the ''greatest weapon in our arsenal is the prospect of general well-being that results from the embrace of American ideas about opportunity, initiative, and enterprise.''

During his time as Congressman, Jack was probably best known as a champion of tax cuts. He became a fervent supply-side evangelist who believed that tax cuts would not only spur economic growth but also bring in more revenue for the Government. Jack coauthored the Kemp-Roth tax bill, which became the blueprint for what became known as ''Reaganomics.'' Jack referred to his comprehensive Federal tax-cut package as ''the number one offensive play in the country.'' Reagan biographer Lou Cannon said Jack, as much as anybody, helped persuade Reagan to embrace an economic policy of supply-side economics, stimulating economic growth through reducing taxes.

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

Jack served as a Congressman for 18 years, until 1989 when he became the U.S. Secretary of Housing and Urban Development under President George H.W. Bush. Jack was the author of the Enterprise Zones legislation to encourage entrepreneurship and job creation in urban America and continued to advocate the expansion of home ownership among the poor through resident management and ownership of public and subsidized housing.

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

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

When asked about his political ideals, Jack was quick to reply: ''After going into the highly competitive business of pro football, I gained an even deeper appreciation of the competitive free-enterprise system to which this country owes its past, present, and future progress and freedom. I believe competition breeds the best, and the system of free enterprise has brought about the greatest society ever known.'' He also praised the American political system as ''the greatest experience in human dignity and human freedom that mankind has ever known.''

In a sweet and endearing letter to his grandchildren, Jack talked about the future of America. The letter was written days after Barack Obama secured the Presidency. Jack wrote, ''My advice for you all is to understand that unity for our nation doesn't require uniformity or unanimity; it does require putting the good of our people ahead of what's good for mere political or personal advantage. You see, real leadership is not just seeing the realities of what we are temporarily faced with, but seeing the possibilities and potential that can be realized by lifting up peoples' vision of what they can be.''

I would suggest that Jack is one of the greatest political leaders the world has ever seen. We all appreciate his efforts and service but none so more than me. My dear friend, you will be sorely missed. May God bless you and keep you.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

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

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

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

You know what is really sad? It is sad that all of these prices are based upon what might happen. A hurricane might hit the Gulf. I watch the stock market and wonder how they sleep at night when most of the decisions are based upon what might be or could happen. I understand paying more when there is a shortage or cost is high but why is it that in July/Aug we are being punished for what might happen in November? Maybe these people need to spend a year living off a cowboy's wage before they are allowed to make decisions that affect people they have nothing in common with?

KIM and LISA.

My husband and I are on fixed incomes and are having a very hard time making ends meet. My husband is 69 years old and is still having to work as I had to take a disability from my job with [the local] school district. I have worked in the special needs program for 22 of those years and have just worn my body out. I am on Social Security, but with them taking out almost $95 a month for medical which does not cover vision or dental. I had to have a hip replaced besides all the other things that are wrong. If they keep up trying to take away or just quit having Social Security, what are we supposed to do? I have tried to get my disability from PERSI and they keep telling me if I can help my daughter with her kids two weeks out of the month, then I should be able to continue my job. I told them that there is quite a difference in lifting a 20-pound child who can help you to helping lift kids that weigh from 90 to 150 pounds and cannot help you. I dropped my granddaughter when she was six months old on her head because of my shoulders. I cannot afford to hurt a child at school or one of the other aides and be sued.

We do not have much as it is but we cannot start over again trying to if someone sued us because they will not settle for what the union would pay; they would want everything we owned. Most of us are in this desperate kind of situation and need the people back in Washington to understand that we do not have a retirement system like they do and need to be able to keep as much of what we have as we can. Please help us to at least keep what we are getting, it is not great but it is better than nothing which is what they seem to want for the working people. God bless you in your efforts to help all of us that are struggling and have worked all our lives to get nothing much and have those who get it all want to take it away from us. Thank you.

NANCY.

My view

No thanks to all of the Oil Companies.

1. The oil and housing speculators have impaired the logical pricing soundness of gasoline and diesel oil, now causing all wholesale and retail price of goods and services to rise, offsetting this rising cost in the national economy used in the economic activity through the business establishments as energy in and for mobility.

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

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

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

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

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

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

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

B. The people are not addicted to fuel as energy (gasoline and diesel); the people are dependent upon fuel (gasoline and diesel) to maximize productivity through mobility of and in the use of asset money as money capital and asset labor as labor capital invested and risked within all of the profit and loss sheets.

C. Gasoline and diesel creating a more efficient source in supply, manufacturing, and in use and consumption to maximize productivity through mobility are separate sources of energy, used in a completely different function within the GNP by the economic system for the purpose of and function from wind power, coal, oil for electrical power generators, yet dependent upon mobility.

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

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

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

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

''The whole class of people living on investments with fixed interest and annuities were pauperized and driven to the most abject expedients to live, all scientific, literary and educational activities endowments stopped. Officials, teachers, professional men and such-like living on fixed salaries or fixed fees were never able to increase stipends in proportion to the rise in prices. There was in fact a massacre of the poor educated.''

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

JOHN, *Emmett*.

[P.S.] Sales create revenue.

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

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

2. The GNP: (PUMP) to buy, durables, non durables and service, dependent upon mobility for productivity is the right-hand side and is the consumption side WORK DONE; (+y +x −y):

3. The left side and right-hand side reciprocating within the GNP through all of the collective Profit and Loss sheets from the −X

to +X time line through +Y (revenue earnings, income, direct and indirect taxes) by −Y sales (cost, value, expenses) then back to −X from +X.

The price of fuel has been affecting my family tremendously. I am currently enrolled in college classes and I live about 30 miles from my school. I have to live here because living in a college town means the price of the home is considerably too high. I drive 60 miles a day, and spend at least $60 a week on gas for my vehicle alone. I am married and my spouse is in a carpenters' union. This requires he drive to wherever the employment is. Please do something, Congress. I have never had to reach my hand out for help before. My family believes in taking care of ourselves, but the food bank is becoming more and more of an option. I do not have a solution, but something needs to be done. Thank you for your time.

DIANE.

Thank you for your newsletter regarding the energy problem facing our nation. People are [frustrated with the inaction from Congress], and those of us in Idaho recognize how much harder this makes your work which is greatly appreciated.

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

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

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

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

In closing, we are at the crossroads of history. By not looking ahead in the past, we are suffering the consequences now. Now is the time to do something besides talk. The American public wants action now. Americans have spoken. Why is not Congress listening?

LAVERGNE, *Hayden*.

I appreciate your desire to at least try to find answers to this energy debacle. I am greatly concerned over the attitude of our lawmakers and their passive attitude toward this vital issue. There is a great feeling of uncertainty as to whether we will be able to afford visiting families, harvesting crops, and the myriad of other activities that are vital to our livelihood. I believe environmentalism is accomplishing what communism could not. It has brought our economy to its knees. It is destroying our way of life, and most disturbing it is denying us access to our own resources, which then makes us hostages to foreign nations for our hand-to-mouth existence. I fear the next step they will take will be the nationalization of the oil industry as they try to make the people feel they have the answers instead of letting private enterprise and the free market, the very principle that has made us great, have free reign. The American people have been sold a socialistic bill of goods in the name of saving the environment. They have been conditioned to think that man has no place in nature, that their meat comes from a package and their shoes from a box, with no realistic understanding of the realities of production. These are very trying times. Failure to properly address this issue could destroy our status as the hope of nations and a light to all free thinking people of the world.

DELL, *Idaho Falls*.

Over 63 years ago, Japan was using all electric cars/taxis/buses/street cars because they had no oil—duh!

UNSIGNED.

I am responding to your request for specific impacts the cost of energy is having on individual families in Idaho. In my view, targeting individuals is something like fiddling while Rome is burning. As usual, [politicians do] not seem to understand that inaction over the past 20 to 30 years in regards to a realistic energy policy will at some point destroy the country's way of life. Everything we have achieved in the past 100 years is tied to energy in one way or another. Farming, manufacturing, healthcare, transportation, building, etc. could not have been achieved without energy. [There has been a dramatic lack of leadership in] addressing the energy problems. They, like you, are focusing on how gas prices affect individuals while you should be looking at how the energy situation could shut down our whole economy. Our enemies have long ago determined that they could not defeat us and destroy our country in a traditional war, but they can destroy us from within. A few hundred people acting as environmentalists have been able to lock up our abundant natural resources. We have spent hundreds of billions of dollars for oil purchased from some of our most dangerous enemies, some who preach our death and destruction. We have with our oil purchases enabled these enemy countries to arm themselves and at some point in time our young grandsons will probably need to stand up to the use of these arms.

No one says we do not want to protect the environment because we can. The technology and proven performance is being demonstrated all over the world. The Congress must remove the road blocks to our own natural resources—now! Atomic energy must be allowed to develop and be an integral part of the solution. Some say we cannot drill our way out of this mess, which should have been done 25 years ago. If the road blocks were removed, oil prices would drop like a rock, because the speculators would need to consider the eventual increase and volume of marketable oil. There are so many things that could be done, however based on the performance of our government nothing will be done.

[I do not believe our Congress will address this problem effectively and that politicians will continue to profit from this disaster for the American people.]

GARY, *Meridian*.

This fuel price is out of hand. I do think Congress needs to step in and do something. I think we need to drill for oil where they know it is. I am like another person who wrote in and said that it should be up to the U.S. citizens. Let us vote on whether we should be drilling in the U.S. and its coastal waters. It should be our choice.

My husband and I own a big rig and he hauls potatoes into [a processing plant] in Nampa. He gets a fuel surcharge but it does not come close to covering the amount that the fuel has gone up. We are slowly going under. We own our rig and do not have payments so I do not know how anyone could survive with making payments. My husband hopes to retire in the next couple of years and we do not even know if we can make it until that time. Then when we do retire how are we going to afford to do anything? We would like to do some traveling but with fuel so high, we will not be able to do so.

Our Senators and Representatives need to represent the people!

MARY.

ADDITIONAL STATEMENTS

CONGRATULATING RIVERBANK HIGH SCHOOL

● Mrs. BOXER. Madam President, I ask my colleagues to join me in congratulating Riverbank High School, a school in West Fresno County with an enrollment of 540 students, for earning the prestigious College Board Inspiration Award. Riverbank High School is the first California school to receive the College Board Inspiration Award in 5 years.

Each year, the College Board presents Inspiration Awards to three secondary schools nationwide in recognition of their college preparation programs and the partnerships among the schools' teachers, parents, and community organizations that foster students' academic achievements and advancement.

Riverbank High School has consistently strived to provide its students with a challenging and rigorous curriculum. Despite its location in a traditionally underserved portion of the San Joaquin Valley in central California, Riverbank High School, where 76 percent of the students receive free or reduced lunches and 38 percent of its student body is comprised of migrant students, is an all college preparatory high school that offers 12 advance placement and honors classes. Riverbank High School's 2008 graduating class produced a 91 percent acceptance rate to a 2 or 4-year college. The school has averaged an impressive 98 percent graduation rate over the past 3 years.

As the administrators, teachers, parents, and students of Riverbank High School gather to celebrate this outstanding and well-deserved achievement, I thank them for their commitment to education and academic excellence and wish them continued success.●

TRIBUTE TO HERBERT BRUCE CLEVELAND

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

Born in North Dakota and a graduate of the University of North Dakota and University of Michigan, Herb joined the U.S. Army in October 1952 and completed various stateside and international duty assignments. Shortly after becoming ordained as a Lutheran pastor, Herb came to western South Dakota in 1959 and immediately developed a close working relationship with the families in the Homestake Gold Mine in Lead. After ministering to the needs of hospitalized parishioners at the nearby veterans hospital at Fort Meade, he served veterans at the VA Hospital in a full-time capacity in the early 1960s, a relationship with veterans that continues today. Herb has witnessed the impacts of war on soldiers and their families, and he has met these challenges with professionalism, commitment, and dedication.

He led local and national efforts to develop a system to address post traumatic stress disorder, substance abuse, and psycho-social issues. He established the first substance abuse treatment center at the Fort Meade VA Chapel. He developed a strong bond with Native American veterans, working to add a Lakota chaplain to the VA staff and the initiation of Lakota worship services and events such as powwows and sweat lodge experiences.

He worked tirelessly to address the evolving needs of veterans and their families while continuing a strong presence in Black Hills communities, assisting in youth and community events and fundraisers. In 1983, the Veterans' Administration established new leadership in the chaplains service in Washington, DC, and summoned Herb, who had been working with South Dakota veterans for 20 years, to become the new Deputy Chief of Chaplains. In this position, he served as Human Resource Director and Educational Development Director and became increasingly involved in the ecumenical relations with all the faiths that were held by members of the Armed Forces. He recruited minority chaplains to serve the increasing number of minorities serving in the Armed Forces and veterans in the VA system.

He developed numerous institutes of training to address the needs of disabled veterans and worked to educate and identify the unique issues impacting young veterans, older veterans, and women veterans. Until his term in Washington, the chaplaincy had been exclusively male, and Herb recruited a number of women chaplains to serve the growing numbers of women veterans. He helped create the Chaplains School, which among its many missions was providing professional training to women chaplains.

President Reagan appointed Herb as Chief of Chaplains in 1988, becoming the first Lutheran and first clergy member from South Dakota named to such a capacity. He served in this position during President George Herbert Walker Bush's Presidential term.

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

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

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

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

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

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

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

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

To the Congress of the United States:

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

BARACK OBAMA.

THE WHITE HOUSE, *May 11, 2009*.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

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

S. 1014. A bill to amend the Water Resources Development Act of 2007 to make

technical corrections to a provision relating to project deauthorizations; to the Committee on Environment and Public Works.

By Mr. BURR (for himself, Mr. ISAKSON, and Mr. DURBIN):

S. 1015. A bill to amend title 38, United States Code, to enhance disability compensation for certain disabled veterans with difficulties using prostheses and disabled veterans in need of regular aid and attendance for residuals of traumatic brain injury, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BURR:

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

By Ms. LANDRIEU:

S. 1017. A bill to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU:

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

By Mr. HARKIN:

S. 1019. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. MIKULSKI (for herself, Mr. BURRIS, Mr. SPECTER, Mr. DURBIN, Mr. VOINOVICH, Mr. INHOFE, Mr. SCHUMER, Mr. BROWNBACK, Mr. LEVIN, and Mr. CARDIN):

S. Res. 139. A resolution commemorating the 20th anniversary of the end of communist rule in Poland; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. SESSIONS, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. KOHL, Mrs. BOXER, Mr. WHITEHOUSE, Mr. FEINGOLD, Mr. KAUFMAN, and Mr. MERKLEY):

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; considered and agreed to.

By Mr. JOHNSON (for himself and Mr. BENNETT):

S. Res. 141. A resolution recognizing June 2009 as the first National Hemorrhagic Telangiecstasia (HHT) month, established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 211

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

S. 255

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

S. 259

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

S. 301

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 301, a bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which payment is made under Medicare, Medicaid, or SCHIP.

S. 332

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 332, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 428

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

S. 473

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

S. 475

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

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. UDALL), the Senator from Arizona (Mr. MCCAIN), the Senator from Nevada (Mr. ENSIGN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 629

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

S. 632

At the request of Mr. BAUCUS, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 632, a bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly.

S. 645

At the request of Mrs. LINCOLN, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 646

At the request of Mr. BURR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 646, a bill to amend section 435(o) of the Higher Education Act of 1965 regarding the definition of economic hardship.

S. 654

At the request of Mr. BUNNING, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 654, a bill to amend title XIX of the Social Security Act to cover physician services delivered by podiatric physicians to ensure access by Medicaid beneficiaries to appropriate quality foot and ankle care.

S. 700

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

S. 711

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 714

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor

of S. 714, a bill to establish the National Criminal Justice Commission.

S. 717

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

S. 729

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

S. 762

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

S. 763

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

S. 764

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

S. 788

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

S. 801

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

S. 841

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

S. 846

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

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open-loop biomass.

S. 900

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

S. 908

At the request of Mr. BAYH, the names of the Senator from Mississippi (Mr. WICKER), the Senator from South Carolina (Mr. DEMINT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Colorado (Mr. BENNET), the Senator from Wisconsin (Mr. KOHL), the Senator from Idaho (Mr. CRAPO) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 909

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

S. 935

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

S. 952

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

S. 962

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

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

S. 970

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

S. 979

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

S. 982

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

S. 984

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

S. 987

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

S. 990

At the request of Ms. STABENOW, the name of the Senator from Michigan

(Mr. LEVIN) was added as a cosponsor of S. 990, a bill to amend the Richard B. Russell National School Lunch Act to expand access to healthy afterschool meals for school children in working families.

S. 1008

At the request of Mrs. SHAHEEN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1008, a bill to amend title 10, United States Code, to limit requirements of separation pay, special separation benefits, and voluntary separation incentive from members of the Armed Forces subsequently receiving retired or retainer pay.

S. 1012

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1012, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 1013

At the request of Mr. BINGAMAN, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S. 1013, a bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 1017. A bill to reauthorize the Cane River National Heritage Area Commission and expand the boundaries of the Cane River National Heritage Area in the State of Louisiana; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I rise today to introduce two bills, S. 1017 and S. 1018, one that will help to protect and preserve Louisiana's rich cultural and historic legacy, and one that will contribute to historic research and preservation throughout the country.

The first bill will protect and preserve an important and treasured part of our historical legacy—the Cane River National Heritage Area. This breathtaking region in northwestern Louisiana is known for its historic plantations, its distinctive Creole architecture, and its rich cultural legacy. Historically, this region was where the French and Spanish realms intersected as they explored the ''New World.'' Both the Spanish and the French left an indelible imprint on the area's people, on its architecture, and ultimately on the U.S. as a whole.

Congress recognized this lasting legacy when it created the Cane River National Heritage Area in 1994. Today I ask that Congress reaffirm its commitment to this rich legacy and act to reauthorize the Cane River National Heritage Area Commission until 2025.

The central corridor of the heritage area begins just south of Natchitoches, the oldest permanent settlement in the Louisiana Purchase, and extends along both sides of Cane River Lake for approximately 35 miles. The heritage area includes Cane River Creole National Historical Park, seven National Historic Landmarks, three State Historic Sites, and a dense area of historic plantations, homes, and churches. While much of the roughly 116,000–acre heritage area is privately owned, many sites are open to the public.

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

The landscape of Cane River is an American treasure—one that we must preserve. The Cane River region has been the focal point for American Indian settlements, colonial forts, and Creole plantations. The river itself was a major trade route, one that sparked alliances with American Indians and brought European colonial powers to the area.

To protect their interests, the French established Fort Saint Jean Baptiste in 1714. Shortly thereafter, the Spanish responded by building the presidio known as Los Adaes 15 miles to the west. Settlements spread from these early outposts, and the town of Natchitoches grew up around Fort Saint Jean Baptiste to become the most prosperous town in the region.

As countries came together in this place, so did cultures. American Indians were joined by European settlers, who imported large numbers of enslaved Africans to farm the land. The interaction of these groups led to the development of a distinctive Creole culture, a culture that cut across racial categories and drew from many traditions but remained grounded in French colonialism and Catholicism.

A thriving agricultural economy developed along the banks of the river by the time the region was joined to the United States in 1803, by the Louisiana Purchase. Natchitoches was the region's commercial center. Downriver from the town, in the areas known as Côte Joyeuse ''Joyous Coast'' and Isle Brevelle, large and small plantations produced indigo, tobacco, and later cotton.

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

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

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

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

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

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. 1017

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 ''Cane River National Heritage Area Reauthorization Act of 2009''.

SEC. 2. CANE RIVER NATIONAL HERITAGE AREA.

(a) BOUNDARIES.—Section 401 of the Cane River Creole National Historical Park and

National Heritage Area Act (16 U.S.C. 410ccc–21) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following:

''(4) fostering compatible economic development;

''(5) enhancing the quality of life for local residents; and''; and

(2) in subsection (c), by striking paragraphs (1) through (6) and inserting the following:

''(1) the area generally depicted on the map entitled 'Revised Boundary of Cane National Heritage Area Louisiana', numbered 494/80021, and dated May 2008;

''(2) the Fort Jesup State Historic Site; and

''(3) as satellite site, any properties connected with the prehistory, history, or cultures of the Cane River region that may be the subject of cooperative agreements with the Cane River National Heritage Area Commission or any successor to the Commission.''.

(b) CANE RIVER NATIONAL HERITAGE AREA COMMISSION.—Section 402 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–22) is amended—

(1) in subsection (b)—

(A) by striking ''19'' and inserting ''23'';

(B) in paragraph (4), by inserting ''the Natchitoches Parish Tourist Commission and other'' before ''local'';

(C) in paragraph (7), by striking ''Concern Citizens of Cloutierville'' and inserting ''Village of Cloutierville'';

(D) in paragraph (13), by striking ''are landowners in and residents of'' and inserting ''own land within the heritage area'';

(E) in paragraph (16)—

(i) by striking ''one member'' and inserting ''2 members''; and

(ii) by striking ''and'' at the end; and

(F) by redesignating paragraph (17) as paragraph (19); and

(G) by inserting after paragraph (16) the following:

''(17) 2 members, 1 of whom represents African American culture and 1 of whom represents Cane River Creole culture, after consideration of recommendations submitted by the Governor of Louisiana;

''(18) 1 member with knowledge of tourism, after consideration of recommendations by the Secretary of the Louisiana Department of Culture, Recreation and Tourism; and''.

(2) in subsection (c)(4), by striking '', such as a non-profit corporation,'';

(3) in subsection (d)—

(A) in paragraph (5), by striking ''for research, historic preservation, and education purposes'' and inserting ''to further the purposes of title III and this title'';

(B) in paragraph (6), by striking ''the preparation of studies that identify, preserve, and plan for the management of the heritage area'' and inserting ''carrying out projects or programs that further the purposes of title III and this title''; and

(C) by striking paragraph (8) and inserting the following:

''(8) develop, or assist others in developing, projects or programs to further the purposes of title III and this title;''; and

(4) in the third sentence of subsection (g), by inserting '', except that if any of the organizations specified in subsection (b) ceases to exist, the vacancy shall be filled with an at-large member'' after ''made''.

(c) PREPARATION OF THE PLAN.—Section 403 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–23) is amended by adding at the end the following:

''(d) AMENDMENTS.—

''(1) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the heritage area shall be reviewed by the Secretary and approved or disapproved in the same manner as the management plan.

''(2) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds made available under this title to implement an amendment to the management plan until the Secretary approves the amendment.''.

(d) TERMINATION OF HERITAGE AREA COMMISSION.—Section 404 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–24) is amended—

(1) in subsection (a), by striking ''the day occurring 10 years after the first official meeting of the Commission'' and inserting ''August 5, 2025''; and

(2) in the third sentence of subsection (c), by striking '', including the potential for a nonprofit corporation,''.

By Ms. LANDRIEU:

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

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

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

S. 1018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Park Service and Northwestern State University Collections Conservation Center Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Cane River Creole National Historical Park has a nationally significant museum collection of more than 1,000,000 objects that is housed in leased space that fails to meet National Park Service museum standards;

(2) there is no land within the boundary of the historical park in Natchitoches Parish that is above the 500-year floodplain, which is the level required for constructing curatorial facilities under National Park Service policies;

(3) the historical park has a longstanding partnership with Northwestern State University, with which the historical park is required under the enabling legislation for the historical park to coordinate a Cane River region comprehensive research program, including a program for curation methods;

(4) in 1992, the National Center for Preservation Technology and Training, which is administered by the National Park Service, was established at Northwestern University under section 403 of the National Historic Preservation Act (16 U.S.C. 470x–2);

(5) the National Center for Preservation Technology and Training requires additional space to house equipment and workspace connected with the development and dissemination of preservation and conservation skills and technologies; and

(6) contingent on the approval by the Board of Supervisors for the University of Louisiana System, Northwestern State University is willing to make available land suitable for the National Park Service to construct a facility for curatorial and workspace needs of the National Center for Preservation Technology and Training if the University is able to use space in the facility for educational purposes relating to the Williamson Museum collection of the University.

SEC. 3. COLLECTIONS CONSERVATION CENTER.

Section 304 of the Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc–2) is amended by adding at the end the following:

''(f) COLLECTIONS CONSERVATION CENTER.—

''(1) IN GENERAL.—The Secretary may enter into an agreement with Northwestern State University (referred to in this subsection as the 'University') to construct a facility on land owned by the University to be used—

''(A) to house the museum collection of the historical park;

''(B) to provide additional space for use by the National Center for Preservation Technology and Training; and

''(C) to provide space to the University for educational purposes relating to the Williamson Museum collection, if the University pays an appropriate rental fee to the National Park Service, as determined in the agreement entered into under this paragraph.

''(2) USE OF FEE.—Proceeds from the rental fees collected under paragraph (1)(C) shall be available, without further appropriation, for the historical park.''.

SEC. 4. TECHNICAL CORRECTIONS.

The Cane River Creole National Historical Park and National Heritage Area Act (16 U.S.C. 410ccc et seq.) is amended—

(1) in the third sentence of section 304(e) (16 U.S.C. 410ccc–2(e)), by striking ''of Technology'' and inserting ''Technology''; and

(2) in section 305(a) (16 U.S.C. 41ccc–3(a)), by striking ''interest'' and inserting ''interests''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 139—COMMEMORATING THE 20TH ANNIVERSARY OF THE END OF COMMUNIST RULE IN POLAND

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

S. RES. 139

Whereas in January 1947, the communist Democratic Bloc party seized control of the Polish Parliament in a rigged election orchestrated by the Government of the Soviet Union;

Whereas from 1947 to 1952, the communist Government of Poland prosecuted, imprisoned, and executed many individuals who fought as part of the wartime Underground Resistance, an organization that valiantly supported the Allied struggle against Nazi Germany as part of the largest resistance movement in occupied Europe;

Whereas in July 1952, the passage of a new constitution formally created the communist People's Republic of Poland and outlawed any non-communist candidate from

seeking office to represent the people of Poland;

Whereas during the ensuing years of communist rule, the people of Poland suffered severe hardships because of the communist-led government's failure to provide for the basic economic needs of its people;

Whereas under communist rule, Polish intellectuals, religious leaders, labor officials, students, and reformers were imprisoned and exiled for speaking out against a succession of increasingly corrupt, inefficient, and repressive pro-Soviet puppets;

Whereas despite the harsh repression of the communist-led government and the great personal risk they faced, the Polish people struggled for freedom by staging strikes, publishing underground newspapers, organizing street protests, and speaking out against the economic and political failures of the communist regime;

Whereas in August 1980, in the wake of a shipyard workers' strike in Gdansk, the Solidarity Movement was created as the first free trade union in the Soviet Bloc nations;

Whereas ultimately 1 in 4 Polish citizens became members of the Solidarity movement, which served as the driving force for Poland's liberation from communist rule;

Whereas on June 4, 1989, the Solidarity Party secured an overwhelming victory over the existing communist government in the first open election in Poland since the end of World War II, marking the fall of pro-Soviet rule in Poland; and

Whereas this victory inspired a succession of similarly peaceful transitions from communism to democracy in other former Soviet Bloc nations: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 20th anniversary of the end of communist rule in Poland;

(2) expresses its admiration for the people of Poland for their bravery and resolve in the face of economic hardship and political oppression under communist rule;

(3) congratulates the people of Poland for their accomplishments in the years since the end of pro-Soviet communist rule in building a free democracy, and for their contributions as international partners;

(4) expresses its appreciation for the close friendship between the Government of the United States and the Government of Poland; and

(5) urges the Government of the United States to continue to seek new ways to enhance its partnership with the Government of Poland.

SENATE RESOLUTION 140—COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. LEAHY (for himself, Mr. SESSIONS, Mr. BINGAMAN, Mr. ROCKEFELLER, Mr. KOHL, Mrs. BOXER, Mr. WHITEHOUSE, Mr. FEINGOLD, Mr. KAUFMAN, and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 140

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

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

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

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

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

(1) equipment of the highest quality and modernity;

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

(3) improved training; and

(4) advanced emergency medical care;

Whereas there are recorded 18,274 Federal, State, and local law enforcement officers who lost their lives in the line of duty while protecting their fellow citizens, and whose names are engraved upon the National Law Enforcement Officers Memorial in Washington, District of Columbia;

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

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

Resolved, That the Senate—

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

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

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

Mr. JOHNSON (for himself and Mr. BENNETT) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 141

Whereas Hereditary Hemorrhagic Telangiecstasia (HHT), also referred to as Osler-Weber-Rendu Syndrome, is a long-neglected national health problem that affects approximately 70,000 (1 in 5,000) people in the United States and 1,200,000 worldwide;

Whereas HHT is an autosomal dominant, uncommon complex genetic blood vessel disorder, characterized by telangiectases and artery-vein malformations that occurs in major organs including the lungs, brain, and liver, as well as the nasal mucosa, mouth, gastrointestinal tract, and skin of the face and hands;

Whereas left untreated, HHT can result in considerable morbidity and mortality and lead to acute and chronic health problems or sudden death;

Whereas 20 percent of those with HHT, regardless of age, suffer death and disability;

Whereas due to widespread lack of knowledge of the disorder among medical professionals, approximately 90 percent of the HHT population has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

Whereas it is estimated that 20 to 40 percent of complications and sudden death due to these ''vascular time bombs'' are preventable;

Whereas patients with HHT frequently receive fragmented care from practitioners who focus on 1 organ of the body, having little knowledge about involvement in other organs or the interrelation of the syndrome systemically;

Whereas HHT is associated with serious consequences if not treated early, yet the condition is amenable to early identification and diagnosis with suitable tests, and there are acceptable treatments available in already-established facilities such as the 8 HHT Treatment Centers of Excellence in the United States; and

Whereas adequate Federal funding is needed for education, outreach, and research to prevent death and disability, improve outcomes, reduce costs, and increase the quality of life for people living with HHT: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need to pursue research to find better treatments, and eventually, a cure for HHT;

(2) recognizes and supports the HHT Foundation International as the only advocacy organization in the United States working to find a cure for HHT while saving the lives and improving the well-being of individuals and families affected by HHT through research, outreach, education, and support;

(3) supports the designation of June 2009 as National Hereditary Hemorrhagic Telangiecstasia (HHT) month, to increase awareness of HHT;

(4) acknowledges the need to identify the approximately 90 percent of the HHT population that has not yet been diagnosed and is at risk for death or disability due to sudden rupture of the blood vessels in major organs in the body;

(5) recognizes the importance of comprehensive care centers in providing complete care and treatment for each patient with HHT;

(6) recognizes that stroke, lung, and brain hemorrhages can be prevented through early diagnosis, screening, and treatment of HHT;

(7) recognizes severe hemorrhages in the nose and gastrointestinal tract can be controlled through intervention, and that heart failure can be managed through proper diagnosis of HHT and treatments;

(8) recognizes that a leading medical and academic institution estimated that $6,600,000,000 of 1-time health care costs can be saved through aggressive management of HHT in the at-risk population; and

(9) encourages the people of the United States and interested groups to observe and support the month through appropriate programs and activities that promote public awareness of HHT and potential treatments for it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1058. Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes.

SA 1059. Mr. WHITEHOUSE (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

SA 1060. Mr. WHITEHOUSE (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1058. Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—

The table of contents for this Act is as follows:

SEC. 2. REGULATORY AUTHORITY.

The Board of Governors of the Federal Reserve System (in this Act referred to as the ''Board'') may issue such rules and publish such model forms as it considers necessary to carry out this Act and the amendments made by this Act.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 9 months after the date of enactment of this Act, except as otherwise specifically provided in this Act.

TITLE I—CONSUMER PROTECTION

SEC. 101. PROTECTION OF CREDIT CARDHOLDERS.

(a) ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.—

(1) AMENDMENT TO TILA.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

''(i) ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.—

''(1) ADVANCE NOTICE OF INCREASE IN INTEREST RATE REQUIRED.—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of an increase in an annual percentage rate (other than an increase due to the expiration of an introductory annual percentage rate, or due solely to a change in another rate of interest to which such rate is indexed) not later than 45 days prior to the effective date of the increase.

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

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

''(4) RULE OF CONSTRUCTION.—Closure or cancellation of an account by the obligor shall not constitute a default under an existing cardholder agreement, and shall not trigger an obligation to immediately repay the obligation in full or through a method that is less beneficial to the obligor than one of the methods described in section 171(c)(2), or the imposition of any other penalty or fee.''.

(2) EFFECTIVE DATE.—Notwithstanding section 3, section 127(i) of the Truth in Lending Act, as added by this subsection, shall become effective 90 days after the date of enactment of this Act.

(b) RETROACTIVE INCREASE AND UNIVERSAL DEFAULT PROHIBITED.—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended—

(1) by redesignating section 171 as section 173; and

(2) by inserting after section 170 the following:

''SEC. 171. LIMITS ON INTEREST RATE, FEE, AND FINANCE CHARGE INCREASES APPLICABLE TO OUTSTANDING BALANCES.

''(a) IN GENERAL.—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 any outstanding balance, except as permitted under subsection (b).

''(b) EXCEPTIONS.—The prohibition under subsection (a) shall not apply to—

''(1) an increase in an annual percentage rate upon the expiration of a specified period of time, provided that—

''(A) prior to commencement of that period, the creditor disclosed to the consumer, in a clear and conspicuous manner, the length of the period and the annual percentage rate that would apply after expiration of the period;

''(B) the increased annual percentage rate does not exceed the rate disclosed pursuant to subparagraph (A); and

''(C) the increased annual percentage rate is not applied to transactions that occurred prior to commencement of the period;

''(2) an increase in a variable annual percentage rate, fee, or finance charge in accordance with a credit card agreement that provides for changes according to an index or formula;

''(3) an increase due to the failure of the obligor to comply with the terms of a workout or temporary hardship arrangement, provided that the annual percentage rate, fee, or finance charge applicable to a category of transactions following any such increase does not exceed the rate, fee, or finance charge that applied to that category of transactions prior to commencement of the arrangement; or

''(4) an increase due solely to the fact that a minimum payment by the obligor has not been received by the creditor within 60 days after the due date for such payment, provided that the creditor shall—

''(A) include, together with the notice of such increase required under section 127(i), a clear and conspicuous written statement of the reason for the increase and that the increase will terminate not later than 6 months after the date on which it is imposed, if the creditor receives the required minimum payments from the obligor during that period; and

''(B) terminate such increase not later than 6 months after the date on which it is imposed, if the creditor receives the required minimum payments during that period.

''(c) REPAYMENT OF OUTSTANDING BALANCE.—

''(1) IN GENERAL.—The creditor shall not change the terms governing the repayment of any outstanding balance, except that the creditor may provide the obligor with one of the methods described in paragraph (2) of repaying any outstanding balance, or a method that is no less beneficial to the obligor than one of those methods.

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

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

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

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

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

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

''(a) IN GENERAL.—If a creditor increases the annual percentage rate applicable to a credit card account under an open end consumer credit plan, based on factors including the credit risk of the obligor, market conditions, or other factors, the creditor shall consider changes in such factors in subsequently determining whether to reduce the annual percentage rate for such obligor.

''(b) REQUIREMENTS.—With respect to any credit card account under an open end consumer credit plan, the creditor shall—

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

''(2) not less frequently than once every 6 months, review accounts as to which the annual percentage rate has been increased since January 1, 2009, to assess whether such factors have changed (including whether any risk has declined);

''(3) reduce the annual percentage rate previously increased when a reduction is indicated by the review; and

''(4) in the event of an increase in the annual percentage rate, provide in the written notice required under section 127(i) a statement of the reasons for the increase.

''(c) RULE OF CONSTRUCTION.—This section shall not be construed to require a reduction in any specific amount.

''(d) RULEMAKING.—The Board shall issue final rules not later than 9 months after the date of enactment of this section to implement the requirements of and evaluate compliance with this section, and subsections (a), (b), and (c) shall become effective 15 months after that date of enactment.''.

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

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

''(a) LIMITATION ON INCREASES WITHIN FIRST YEAR.—Except in the case of an increase described in paragraph (1) or (2) of section 171(b), no increase in any annual percentage rate, fee, or finance charge on any credit card account under an open end consumer credit plan shall be effective before the end of the 1-year period beginning on the date on which the account is opened.

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

(e) CLERICAL AMENDMENT.—The table of sections for chapter 4 of the Truth in Lending Act is amended by striking the item relating to section 171 and inserting the following:

''171. Limits on interest rate, fee, and finance charge increases applicable to outstanding balances.
''172. Additional limits on interest rate increases.
''173. Applicability of State laws.''.

SEC. 102. LIMITS ON FEES AND INTEREST CHARGES.

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

''(j) PROHIBITION ON PENALTIES FOR ON-TIME PAYMENTS.—

''(1) PROHIBITION ON DOUBLE-CYCLE BILLING AND PENALTIES FOR ON-TIME PAYMENTS.—Except as provided in paragraph (2), a creditor may not impose any finance charge on a credit card account under an open end consumer credit plan as a result of the loss of any time period provided by the creditor within which the obligor may repay any portion of the credit extended without incurring a finance charge, with respect to—

''(A) any balances for days in billing cycles that precede the most recent billing cycle; or

''(B) any balances or portions thereof in the current billing cycle that were repaid within such time period.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to—

''(A) any adjustment to a finance charge as a result of the resolution of a dispute; or

''(B) any adjustment to a finance charge as a result of the return of a payment for insufficient funds.

''(k) OPT-IN REQUIRED FOR OVER-THE-LIMIT TRANSACTIONS IF FEES ARE IMPOSED.—

''(1) IN GENERAL.—In the case of any credit card account under an open end consumer credit plan under which an over-the-limit-fee may be imposed by the creditor for any extension of credit in excess of the amount of credit authorized to be extended under such account, no such fee shall be charged, unless the consumer has expressly elected to permit the creditor, with respect to such account, to complete transactions involving the extension of credit under such account in excess of the amount of credit authorized.

''(2) DISCLOSURE BY CREDITOR.—No election by a consumer under paragraph (1) shall take effect unless the consumer, before making such election, received a notice from the creditor of any over-the-limit fee in the form and manner, and at the time, determined by the Board. If the consumer makes the election referred to in paragraph (1), the creditor shall provide notice to the consumer of the right to revoke the election, in the form prescribed by the Board, in any periodic statement that includes notice of the imposition of an over-the-limit fee during the period covered by the statement.

''(3) FORM OF ELECTION.—A consumer may make or revoke the election referred to in paragraph (1) orally, electronically, or in writing, pursuant to regulations prescribed by the Board. The Board shall prescribe regulations to ensure that the same options are available for both making and revoking such election.

''(4) TIME OF ELECTION.—A consumer may make the election referred to in paragraph (1) at any time, and such election shall be effective until the election is revoked in the manner prescribed under paragraph (3).

''(5) REGULATIONS.—The Board shall prescribe regulations—

''(A) governing disclosures under this subsection; and

''(B) that prevent unfair or deceptive acts or practices in connection with the manipulation of credit limits designed to increase over-the-limit fees or other penalty fees.

''(6) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a creditor from completing an over-the-limit transaction, provided that a consumer who has not made a valid election under paragraph (1) is not charged an over-the-limit fee for such transaction.

''(l) LIMIT ON FEES RELATED TO METHOD OF PAYMENT.—With respect to a credit card account under an open end consumer credit plan, the creditor may not impose a separate fee to allow the obligor to repay an extension of credit or finance charge, whether such repayment is made by mail, electronic transfer, telephone authorization, or other means, unless such payment involves an expedited service by a service representative of the creditor.''.

(b) REASONABLE PENALTY FEES.—

(1) IN GENERAL.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.), as amended by this Act, is amended by adding at the end the following:

''SEC. 149. REASONABLE PENALTY FEES ON OPEN END CONSUMER CREDIT PLANS.

''(a) IN GENERAL.—The amount of any penalty fee or charge that a card issuer may impose with respect to a credit card account under an open end consumer credit plan in connection with any omission with respect to, or violation of, the cardholder agreement, including any late payment fee, over the limit fee, or any other penalty fee or charge, shall be reasonable and proportional to such omission or violation.

''(b) RULEMAKING REQUIRED.—The Board, in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, shall issue final rules not later than 9 months after the date of enactment of this section, to establish standards for assessing whether the amount of any penalty fee or charge described under subsection (a) is reasonable and proportional to the omission or violation to which the fee or charge relates. Subsection (a) shall become effective 15 months after the date of enactment of this section.

''(c) CONSIDERATIONS.—In issuing rules required by this section, the Board shall consider—

''(1) the cost incurred by the creditor from such omission or violation;

''(2) the deterrence of such omission or violation by the cardholder;

''(3) the conduct of the cardholder; and

''(4) such other factors as the Board may deem necessary or appropriate.

''(d) DIFFERENTIATION PERMITTED.—In issuing rules required by this subsection, the Board may establish different standards for different types of fees and charges, as appropriate.

''(e) SAFE HARBOR RULE AUTHORIZED.—The Board, in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, may issue rules to provide an amount for any penalty fee or charge described under subsection (a) that is presumed to be reasonable and proportional to the omission or violation to which the fee or charge relates.''.

(2) CLERICAL AMENDMENTS.—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended—

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

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

''148. Interest rate reduction on open end consumer credit plans.
''149. Reasonable penalty fees on open end consumer credit plans.''.

SEC. 103. USE OF TERMS CLARIFIED.

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

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

SEC. 104. APPLICATION OF CARD PAYMENTS.

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

(1) by striking the section heading and all that follows through ''Payments'' and inserting the following:

''§ 164. Prompt and fair crediting of payments

''(a) IN GENERAL.—Payments'';

(2) by inserting '', by 5:00 p.m. on the date on which such payment is due,'' after ''in readily identifiable form'';

(3) by striking ''manner, location, and time'' and inserting ''manner, and location''; and

(4) by adding at the end the following:

''(b) APPLICATION OF PAYMENTS.—

''(1) IN GENERAL.—Upon receipt of a payment from a cardholder, the card issuer shall apply amounts in excess of the minimum payment amount first to the card balance bearing the highest rate of interest, and then to each successive balance bearing the next highest rate of interest, until the payment is exhausted.

''(2) CLARIFICATION RELATING TO CERTAIN DEFERRED INTEREST ARRANGEMENTS.—A creditor shall allocate the entire amount paid by the consumer in excess of the minimum payment amount to a balance on which interest is deferred during the last 2 billing cycles immediately preceding the expiration of the period during which interest is deferred.

''(c) CHANGES BY CARD ISSUER.—If a card issuer makes a material change in the mailing address, office, or procedures for handling cardholder payments, and such change causes a material delay in the crediting of a cardholder payment made during the 60-day period following the date on which such change took effect, the card issuer may not impose any late fee or finance charge for a late payment on the credit card account to which such payment was credited.''.

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

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

''(n) STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR 'FEE HARVESTER' CARDS.—

''(1) IN GENERAL.—If the terms of a credit card account under an open end consumer credit plan require the payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) by the consumer in the first year during which the account is opened in an aggregate amount in excess of 25 percent of the total amount of credit authorized under the account when the account is opened, no payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) may be made from the credit made available under the terms of the account.

''(2) RULE OF CONSTRUCTION.—No provision of this subsection may be construed as authorizing any imposition or payment of advance fees otherwise prohibited by any provision of law.''.

SEC. 106. RULES REGARDING PERIODIC STATEMENTS.

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

''(o) DUE DATES FOR CREDIT CARD ACCOUNTS.—

''(1) IN GENERAL.—The payment due date for a credit card account under an open end consumer credit plan shall be the same day each month.

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

(b) LENGTH OF BILLING PERIOD.—

(1) IN GENERAL.—Section 163 of the Truth in Lending Act (15 U.S.C. 1666b) is amended to read as follows:

''SEC. 163. TIMING OF PAYMENTS.

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

''(b) GRACE PERIOD.—If an open end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an additional finance charge, such additional finance charge may not be imposed with respect to such portion of the credit extended for the billing cycle of which such period is a part, unless a statement which includes the amount upon which the finance charge for the period is based was mailed or delivered to the consumer not later than 21 days before the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge.''.

(2) EFFECTIVE DATE.—Notwithstanding section 3, section 163 of the Truth in Lending Act, as amended by this subsection, shall become effective 90 days after the date of enactment of this Act.

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

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

''163. Timing of payments.''; and

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

''171. Universal defaults prohibited.

''172. Unilateral changes in credit card agreement prohibited.

''173. Applicability of State laws.''.

SEC. 107. ENHANCED PENALTIES.

Section 130(a)(2)(A) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)(A)) is amended by striking ''or (iii) in the'' and inserting the following: ''(iii) in the case of an individual action relating to an open end consumer credit plan that is not secured by real property or a dwelling, twice the amount of any finance charge in connection with the transaction, with a minimum of $500 and a maximum of $5,000, or such higher amount as may be appropriate in the case of an established pattern or practice of such failures; or (iv) in the''.

SEC. 108. CLERICAL AMENDMENTS.

Section 103(i) of the Truth in Lending Act (15 U.S.C. 1602(i)) is amended—

(1) by striking ''term'' and all that follows through ''means'' and inserting the following: ''terms 'open end credit plan' and 'open end consumer credit plan' mean''; and

(2) in the second sentence, by inserting ''or open end consumer credit plan'' after ''credit plan'' each place that term appears.

TITLE II—ENHANCED CONSUMER DISCLOSURES

SEC. 201. PAYOFF TIMING DISCLOSURES.

(a) IN GENERAL.—Section 127(b)(11) of the Truth in Lending Act (15 U.S.C. 1637(b)(11)) is amended to read as follows:

''(11)(A) A written statement in the following form: 'Minimum Payment Warning: Making only the minimum payment will increase the amount of interest you pay and the time it takes to repay your balance.', or such similar statement as is established by the Board pursuant to consumer testing.

''(B) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

''(i) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

''(ii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made;

''(iii) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months, if no further advances are made, and the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays the balance over 36 months; and

''(iv) a toll-free telephone number at which the consumer may receive information about accessing credit counseling and debt management services.

''(C)(i) Subject to clause (ii), in making the disclosures under subparagraph (B), the creditor shall apply the interest rate or rates in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

''(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.

''(D) All of the information described in subparagraph (B) shall—

''(i) be disclosed in the form and manner which the Board shall prescribe, by regulation, and in a manner that avoids duplication; and

''(ii) be placed in a conspicuous and prominent location on the billing statement.

''(E) In the regulations prescribed under subparagraph (D), the Board shall require that the disclosure of such information shall be in the form of a table that—

''(i) contains clear and concise headings for each item of such information; and

''(ii) provides a clear and concise form stating each item of information required to be disclosed under each such heading.

''(F) In prescribing the form of the table under subparagraph (E), the Board shall require that—

''(i) all of the information in the table, and not just a reference to the table, be placed on the billing statement, as required by this paragraph; and

''(ii) the items required to be included in the table shall be listed in the order in which such items are set forth in subparagraph (B).

''(G) In prescribing the form of the table under subparagraph (D), the Board shall employ terminology which is different than the terminology which is employed in subparagraph (B), if such terminology is more easily understood and conveys substantially the same meaning.''.

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: ''In connection with the disclosures referred to in subsections (a) and (b) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), or any of paragraphs (4) through (13) of section 127(b), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), or any of paragraphs (4) through (13) of section 127(b).''.

(c) GUIDELINES REQUIRED.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury (in this section referred to as the ''Secretary'') through the Office of Finance Education, in consultation with the Board, shall, by rule, regulation, or order, issue guidelines for the establishment and maintenance by creditors of a toll-free telephone number for purposes of the disclosures required under section 127(b)(11)(B)(iv) of the Truth in Lending Act, as added by this section.

(2) APPROVED AGENCIES.—Guidelines issued under this subsection shall ensure that referrals provided by the toll-free number referred to in paragraph (1) include only those agencies certified by the Secretary as meeting the criteria under this section.

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

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

(B) at a minimum—

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

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

(I) are not employed by such agency; and

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

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

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

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

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

(vii) provides trained counselors who—

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

(II) have adequate experience; and

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

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

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

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

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

Section 127(b)(12) of the Truth in Lending Act (15 U.S.C. 1637(b)(12)) is amended to read as follows:

''(12) REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.—

''(A) LATE PAYMENT DEADLINE REQUIRED TO BE DISCLOSED.—In the case of a credit card account under an open end consumer credit plan under which a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment, the periodic statement required under subsection (b) with respect to the account shall include, in a conspicuous location on the billing statement, the date on which the payment is due or, if different, the date on which a late payment fee will be charged, together with the amount of the fee or charge to be imposed if payment is made after that date.

''(B) DISCLOSURE OF INCREASE IN INTEREST RATES FOR LATE PAYMENTS.—If 1 or more late payments under an open end consumer credit plan may result in an increase in the annual percentage rate applicable to the account, the statement required under subsection (b) with respect to the account shall include conspicuous notice of such fact, together with the applicable penalty annual percentage rate, in close proximity to the disclosure required under subparagraph (A) of the date on which payment is due under the terms of the account.

''(C) PAYMENTS AT LOCAL BRANCHES.—If the creditor, in the case of a credit card account referred to in subparagraph (A), is a financial institution which maintains branches or offices at which payments on any such account are accepted from the obligor in person, the date on which the obligor makes a payment on the account at such branch or office shall be considered to be the date on which the payment is made for purposes of determining whether a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment.''.

SEC. 203. RENEWAL DISCLOSURES.

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

(1) by striking paragraph (2);

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

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

SEC. 204. INTERNET POSTING OF CREDIT CARD AGREEMENTS.

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

''(d) ADDITIONAL ELECTRONIC DISCLOSURES.—

''(1) POSTING AGREEMENTS.—Each creditor shall establish and maintain an Internet site on which the creditor shall post the written agreement between the creditor and the consumer for each credit card account under an open-end consumer credit plan.

''(2) CREDITOR TO PROVIDE CONTRACTS TO THE BOARD.—Each creditor shall provide to the Board, in electronic format, the consumer credit card agreements that it publishes on its Internet site.

''(3) RECORD REPOSITORY.—The Board shall establish and maintain on its publicly available Internet site a central repository of the consumer credit card agreements received from creditors pursuant to this subsection, and such agreements shall be easily accessible and retrievable by the public.

''(4) EXCEPTION.—This subsection shall not apply to 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.

''(5) REGULATIONS.—The Board, in consultation with the other Federal banking agencies (as that term is defined in section 603) and the Federal Trade Commission, may promulgate regulations to implement this subsection, including specifying the format for posting the agreements on the Internet sites of creditors and establishing exceptions to paragraphs (1) and (2), in any case in which the administrative burden outweighs the benefit of increased transparency, such as where a credit card plan has a de minimis number of consumer account holders.''.

TITLE III—PROTECTION OF YOUNG CONSUMERS

SEC. 301. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

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

''(8) APPLICATIONS FROM UNDERAGE CONSUMERS.—

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

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

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

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

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

SEC. 302. PROTECTION OF YOUNG CONSUMERS FROM PRESCREENED CREDIT OFFERS.

Section 604(c)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681b(c)(1)(B)) is amended—

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

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

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

SEC. 303. ISSUANCE OF CREDIT CARDS TO CERTAIN COLLEGE STUDENTS.

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

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

TITLE IV—GIFT CARDS

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

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

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

(2) by inserting after section 914 the following:

"SEC. 915. GENERAL-USE PREPAID CARDS, GIFT CERTIFICATES, AND STORE GIFT CARDS.

''(a) DEFINITIONS.—In this section, the following definitions shall apply:

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

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

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

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

''(ii) issued in a requested amount, whether or not that amount may, at the option of the issuer, be increased in value or reloaded if requested by the holder;

''(iii) purchased or loaded on a prepaid basis; and

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

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

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

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

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

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

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

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

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

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

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

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

''(i) used solely for telephone services;

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

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

''(iv) not marketed to the general public; or

''(v) issued in paper form only (including for tickets and events).

''(3) SERVICE FEE.—

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

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

''(b) PROHIBITION ON IMPOSITION OF FEES OR CHARGES.—

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

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

''(A) there has been no activity with respect to the certificate or card in the 12-month period ending on the date on which the charge or fee is imposed;

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

''(C) not more than one fee may be charged in any given month; and

''(D) any additional requirements that the Board may establish through rulemaking under subsection (d) have been met.

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

''(A) the gift certificate, store gift card, or general-use prepaid card clearly and conspicuously states—

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

''(ii) the amount of such fee or charge;

''(iii) how often such fee or charge may be assessed; and

''(iv) that such fee or charge may be assessed for inactivity; and

''(B) the issuer of such certificate or card informs the purchaser of such charge or fee before such certificate or card is purchased, regardless of whether the certificate or card is purchased in person, over the Internet, or by telephone.

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

''(A) that is distributed pursuant to an award, loyalty, or promotional program, as defined by the Board; and

''(B) with respect to which, there is no money or other value exchanged.

''(c) PROHIBITION ON SALE OF GIFT CARDS WITH EXPIRATION DATES.—

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

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

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

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

''(d) ADDITIONAL RULEMAKING.—

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

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

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

SEC. 402. RELATION TO STATE LAWS.

Section 920 of the Electronic Fund Transfer Act (as redesignated by this title) is amended by inserting ''dormancy fees, inactivity charges or fees, service fees, or expiration dates of gift certificates, store gift cards, or general-use prepaid cards,'' after ''electronic fund transfers,''.

SEC. 403. EFFECTIVE DATE.

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

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. STUDY AND REPORT ON INTERCHANGE FEES.

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

(b) SUBJECTS FOR REVIEW.—In conducting the study required by this section, the Comptroller shall review—

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

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

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

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

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

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

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

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

(9) the extent to which interchange fees allow smaller financial institutions and credit unions to offer payment cards and compete against larger financial institutions.

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

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

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

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

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

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans;

(4) the cost and availability of credit, particularly with respect to non-prime borrowers;

(5) the safety and soundness of credit card issuers;

(6) the use of risk-based pricing; and

(7) credit card product innovation.

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

(c) REGULATIONS.—Following the review required by subsection (a), the Board shall publish notice in the Federal Register that—

(1) summarizes the review, the comments received from the public solicitation, and other evidence gathered by the Board, such as through consumer testing or other research, and

(2) proposes new or revised regulations or interpretations to update or revise disclosures and protections for consumer credit cards, as appropriate; or

(3) states the reasons for any determination of the Board that new or revised regulations are not proposed under paragraph (2).

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

At the end of title I, add the following:

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

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraph (27B) as paragraph (27C); and

(2) by inserting after paragraph (27A) the following:

''(27B) The term 'high cost consumer credit transaction' means an extension of credit by a 'creditor' (as defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602(f))), resulting in a consumer debt that has an applicable annual percentage rate (as determined in accordance with section 107(a) of the Truth in Lending Act (15 U.S.C. 1606(a)), and including costs and fees incurred in connection with the extension of such credit) that exceeds, at any time while the credit is outstanding, the lesser of—

''(A) the sum of 15 percent and the yield on United States Treasury securities having a 30-year period of maturity; or

''(B) 36 percent.''.

(b) DISALLOWANCE OF CLAIMS.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

''(l) Notwithstanding subsections (a) and (b) of this section, the court shall disallow any claim arising from a high cost consumer credit transaction for the purpose of distribution under this title.''.

(c) EXCLUSION.—Section 707(b) of title 11, United States Code, is amended by adding at the end the following:

''(8) Paragraph (2) shall not apply in the case of a debtor who has any debts arising from a high cost consumer credit transaction.''.

SA 1060. Mr. WHITEHOUSE (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 112. LIMITS ON ANNUAL PERCENTAGE RATES.

Chapter 2 of the Truth In Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following:

''SEC. 141. LIMITS ON ANNUAL PERCENTAGE RATES.

''Notwithstanding any other provision of law, the annual percentage rate applicable to any consumer credit transaction (other than a residential mortgage transaction), including any fees associated with such a transaction, may not exceed the maximum rate permitted by the laws of the State in which the consumer resides.''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, May 13, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending nominations and pending energy legislation.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 14, 2009, at 2:30 p.m., in room SD–366 of the Dirksen Senate office building.

The purpose of the hearing is to receive testimony on S. 1013, the Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2009.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to *Rosemarie_Calabro@energy.senate.gov*

For further information, please contact Allyson Anderson at (202) 224-7143 or Rosemarie Calabro at (202) 224–5039.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, May 13, 2009, at 10 a.m., to hear testimony on ''Problems for Military and Overseas Voters: Why Many Soldiers and Their Families Can't Vote.''

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on 202–224–6352.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

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

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

PRIVILEGES OF THE FLOOR

Mr. DODD. I ask unanimous consent that members of my staff, Deborah Katz and Joe Valenti, be granted the privileges of the floor for the duration of the consideration of this bill.

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

EXECUTIVE SESSION

NOMINATION OF DAVID J. HAYES

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

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The clerk will report the nomination.

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

CLOTURE MOTION

Mr. REID. Madam President, I now 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 legislative clerk read as follows:

CLOTURE MOTION

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

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

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum be waived.

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

LEGISLATIVE SESSION

Mr. REID. Madam President, I ask unanimous consent that the Senate return to legislative session.

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

COMMEMORATING AND ACKNOWLEDGING DEDICATION AND SACRIFICE OF LAW ENFORCEMENT OFFICERS

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

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

The assistant legislative clerk read as follows:

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

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

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

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

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

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

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

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

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 140

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

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

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

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

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

(1) equipment of the highest quality and modernity;

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

(3) improved training; and

(4) advanced emergency medical care;

Whereas there are recorded 18,274 Federal, State, and local law enforcement officers who lost their lives in the line of duty while protecting their fellow citizens, and whose names are engraved upon the National Law Enforcement Officers Memorial in Washington, District of Columbia;

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

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

Resolved, That the Senate—

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

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

APPOINTMENT

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

ORDERS FOR TUESDAY, MAY 12, 2009

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

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

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

So I have a unanimous consent request pending.

The PRESIDING OFFICER. Is there objection?

There being no objection, it is so ordered.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

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

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

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

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

FOR THE TERM OF FIVE YEARS, VICE MARION C. BLAKEY, TERM EXPIRED.

DEPARTMENT OF LABOR

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

CENTRAL INTELLIGENCE AGENCY

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

DEPARTMENT OF DEFENSE

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

IN THE AIR FORCE

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

To be general

GEN. WILLIAM M. FRASER III

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

To be lieutenant general

LT. GEN. WILLIAM L. SHELTON

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

To be lieutenant general

LT. GEN. DANIEL J. DARNELL

IN THE NAVY

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

To be vice admiral

VICE ADM. RICHARD K. GALLAGHER

IN THE MARINE CORPS

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

To be lieutenant general

MAJ. GEN. TERRY G. ROBLING